
Report of the Head of Planning and Development

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 15-Jun-2023

Subject: Planning Application 2023/91198 Change of use from place of worship (Class F1) to community centre with ancillary cafe (Class F2) St Johns Church, Jackroyd Lane, Newsome, Huddersfield, HD4 6QU

APPLICANT

Susan Lee-Richards, The
Newsome Centre

DATE VALID

02-May-2023

TARGET DATE

27-Jun-2023

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.

[Public speaking at committee link](#)

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral wards affected: Newsome

Ward Councillors consulted: No

Public or private: Public

RECOMMENDATION:

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.

1.0 INTRODUCTION:

1.1 This application is reported to Sub-Committee for determination as it has been submitted by an elected member in their personal capacity.

2.0 SITE AND SURROUNDINGS:

2.1 The application site comprises St. John's Church, Newsome and part of its surrounding churchyard to the North-East of the building fronting Jackroyd Lane. The church, which closed to services earlier in the year, is in the Victorian building and is in a prominent location at the junction of Jackroyd Lane with Newsome Road South. It can be accessed by pedestrians through the lychgate on Jackroyd Lane or by an entrance close to the church hall on Newsome Road South. There is no vehicular access or parking associated with the building.

2.2 Access to the building itself is via a short ramp leading to double doors on the NE elevation. There is another less accessible access on the SW elevation.

2.3 To the North-West of the site, across Newsome Road South, are a parade of single storey shops and a day nursery, to the North-East, across Jackroyd Lane, are residential properties. Adjoining to building to the South-East is a small enclave of residential properties off Vicarage Drive. To the South-West is the churchyard and beyond this a church hall which is used for a variety of uses including a pre-school group and scout hall.

2.4 Mature trees, protected by Tree Preservation Order, surround the building.

3.0 PROPOSAL:

3.1 Change of use from place of worship (Class F1) to community centre with ancillary cafe (Class F2). No external alterations are proposed to the building or its ground to facilitate the change of use.

- 3.2 Under the Town and Country Planning (Use Classes) Order 1987 as amended, the existing church is categorised as an F1 use which includes provision of education, libraries and public halls amongst other uses (Class F1). Class F2 uses relate to local community uses and, for this application, include 'halls or meeting places for the principal use of the local community'.
- 3.3 The ancillary café referred to in the description of development, relates to an area of approximately 49 sq metres in the lounge area of the building. The applicant has clarified that the use of the café is proposed to be predominantly for local residents and users of Newsome centre. The applicants further clarify that "in order to keep the building financially sustainable, we would not want to deter any occasional passing trade. When the church was open it held a regular coffee morning each Wednesday".

4.0 RELEVANT PLANNING HISTORY

- 4.1 None

5.0 HISTORY OF NEGOTIATIONS

- 5.1 None

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 27th February 2019) and the Holme Valley Neighbourhood Development Plan (adopted 8th December 2021).

Kirklees Local Plan (2019):

- 6.2 The site is designated Urban Greenspace and is partly within the boundary of Newsome Local Centre on the Local Plan.
- 6.3 Relevant Planning Policies:
- LP 1 – Presumption in Favour of Sustainable Development
 - LP 2 – Place Shaping
 - LP 3 – Spatial Development Strategy
 - LP 13 – Town Centre Uses
 - LP 20 – Sustainable Travel
 - LP 21 – Highways and Access
 - LP 22 – Parking
 - LP 24 – Design
 - LP 30 – Biodiversity & Geodiversity
 - LP 33 – Trees
 - LP 35 – Historic Environment
 - LP 43 – Waste Management Hierarchy
 - LP 48 – Community Facilities and Services
 - LP 52 – Protection and Improvement of Environmental Quality
 - LP 61 – Urban Greenspace

Supplementary Planning Guidance / Documents:

- 6.4 • Kirklees Highways Design Guide (2019)
- Kirklees Waste Management Design Guide for New Developments (2020)

National Planning Guidance:

- 6.5 National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20th July 2021, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance. The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- Chapter 2 – Achieving Sustainable Development
- Chapter 4 – Decision-Making
- Chapter 6 – Building a Strong, Competitive Economy
- Chapter 8 – Promoting Health and Safe Communities
- Chapter 9 – Promoting Sustainable Transport
- Chapter 12 – Achieving Well-Designed Places
- Chapter 15 – Conserving and Enhancing the Natural Environment

7.0 PUBLIC/LOCAL RESPONSE:

- 7.1 The application was publicised by neighbour notification letters in accordance with Table 1 of the Council's published Development Management Charter. The period of publicity expires on 7th June 2023.
- 7.2 1 letter of representation had been received at the time this report was compiled. Any further comments will be reported to Members in the update.

The comments raised are summarised below (full comments are available to view on the Council's Planning Webpage):

Support:

- This use will ensure the building is utilised by the community for a positive purpose.
- The change seems to ensure that the building will pretty much remain as is and will be sympathetic to its history.
- The project would conserve the building for future generations.
- Consider no detrimental impact on the community with limited additional traffic, most walking and no noise.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

KC Highways DM – no objections subject to conditions requiring cycle storage and details of waste storage and collection

KC Environmental Health – no objections

8.2 **Non-statutory:**

KC Crime Prevention - no objections, full recommendations forwarded to the applicant for information.

9.0 **MAIN ISSUES**

- Principle of development
- Residential amenity
- Landscape issues
- Highway issues
- Representations
- Other matters

10.0 **APPRAISAL**

Principle of the development

- 10.1 Paragraph 7 of the National Planning Policy Framework (NPPF) states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 goes on to note that achieving sustainable development has three overarching objectives (social, environment and economic), and these are interdependent and need to be pursued in mutually supportive ways.
- 10.2 In line with the National Planning Policy Framework, Policy LP1 of the Kirklees Local Plan declares that: "...the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF."
- 10.3 Policy LP2 states that: "All development proposals should seek to build on the strengths, opportunities and help address challenges identified in the local plan, in order to protect and enhance the qualities which contribute to the character of these places, as set out in the four sub-area statement boxes..."
- 10.4 The site is within the Kirklees Huddersfield sub-area. The listed qualities, where relevant, will be considered where relevant later in this assessment.
- 10.5 Policy LP3 of the Kirklees Local Plan outlines that proposals will be required to reflect the Spatial Development Strategy, Policy LP1 Presumption in Favour of Sustainable Development and Policy LP2 Place Shaping.
- 10.6 In this case, there are considered to be two strands to the principle of development, this being the retention of an existing community facility, partly located in Newsome Local Centre, in a different use class and compliance with Policy LP61 (Urban Greenspace) of the Local Plan.

Acceptability of a Community Use within a new Use Class.

- 10.7 Paragraph 93 of the NPPF states that planning decisions should: plan positively for the provision and use of shared spaces, community facilities “such as local shops, meeting places...cultural buildings...and places of worship” and other local services to enhance the sustainability of communities and residential environments. Policy LP48 of the Local Plan states that community facilities should be provided in accessible locations where they can minimise the need to travel/can be accessed by walking, cycling and public transport. It goes on to state that this will normally be in town or local centres. Furthermore, Policy LP48 sets out that proposals that retains or enhances provision, quality or accessibility of existing community facilities will be supported.
- 10.8 St. John’s Church, when open as a place of worship, provided a community use in an accessible location. The Church has now been closed and the application before members seeks to retain this as a ‘local community’ use, under Class F2 of the revised Use Classes Order. The site is partly within the Newsome Local Centre, including both pedestrian entrances to the building, and is within a highly accessible location on foot with bus stops providing links to public transport on both Jackroyd Lane and Newsome Road South. The new use would continue the tradition of St. John’s being a focal point for the community, providing a multi-purpose hall and meeting place with an ancillary café facility. It would enhance the provision of local community facilities in Newsome for the benefit of all. In principle, the re-use of the Church for the proposed use can be supported.
- 10.9 Although the site is partly within Newsome Local Centre, where Policy LP13 of the Local Plan and Chapter 6 of the NPPF fall to be considered, neither the existing use nor the proposed use are ‘main town centre uses’ as defined in the NPPF. The re-use of the building would not be contrary to Policy LP13 and, by providing a new use to serve the local community, would help to extend the mix of uses within this local centre.

Urban Greenspace

- 10.10 The existing building and the grounds surrounding it to the north and south of the building are all designated Urban Greenspace within the Local Plan. Policy LP61 is concerned with developments that would result in the loss of Urban Greenspace (UGS). The application before members seeks only the change of use of the building and there are no proposals that would result in the loss of UGS. The development therefore accords with Policy LP61 of the Local Plan.

Urban Design issues

- 10.11 The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby Paragraph 126 provides a principal consideration concerning design which states:

“The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”

10.12 Kirklees Local Plan Policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity. Policy LP24 states that proposals should promote good design by ensuring:

“a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape...”

10.13 Policy LP13 states that within defined Centres all proposals shall conserve and enhance the local character, heritage, green spaces and the public realm where appropriate.

10.14 The Church is an attractive building which contributes positively to the townscape of the area. The building, the lychgate and its tree lined grounds are prominent features in Newsome local centre. Although the building is neither listed nor within a conservation area, it is important that its special character is retained within future proposals. At this stage the only proposal is to change the use of the building, although some additional bin and cycle storage would be required. No other changes to the building or its grounds are proposed. Future signage would be considered under applications seeking advertisement consent. In these circumstances, the development would accord with the aforementioned Policies from the Local Plan and the NPPF.

Residential Amenity

10.15 Section B of Policy LP24 of the Kirklees Local Plan states that proposals should promote good design by ensuring: *“They provide a high standard of amenity for future and neighbouring occupiers; including maintaining appropriate distances between buildings”*.

10.16 In addition to this, Paragraph 130 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

10.17 Paragraph 185 of the NPPF outlines that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects of pollution on living conditions. In addition to this, Policy LP52 of the Kirklees Local Plan states that proposals which have the potential to increase pollution from noise...light...and other forms of pollution must be accompanied by evidence to show the impacts have been evaluated and measures have been incorporated to prevent or reduce the pollution, so as to ensure it does not reduce the quality of life and well-being of people to an unacceptable level or have unacceptable impacts on the environment.

10.18 The application site is within an area of mixed uses but adjoins residential properties to the south-east along Vicarage Gardens. These dwellings are at a higher ground level than the church on rising land. They are separated from the building by close boarded fencing and mature trees. Blank gable walls and garages face building, with main habitable windows in the north and south elevations. The private drive serving Vicarage Gardens runs along the boundary with the church. To the north-east of the site there are residential properties on the opposite side of Jackroyd Lane.

- 10.19 These are separated from the building by approximately 40 metres.
- 10.20 The church building is of a solid construction built of stone with a slate roof. There are large windows within the north and south elevations, and a particularly large window in the south-east elevation facing Vicarage Gardens. The relationship of the building to surrounding properties, including separation distances and the type and height of windows, would mean no loss of privacy as a result of the proposed use.
- 10.21 The level of activity on the site generated by new local community uses and opening up of the building for expanded public use could potentially increase noise and activity at the site. The application form states that the opening hours for the main building are proposed to be 9:00-22:00 every day, and the ancillary community café from 10:00-16:00 each day. This would be a more intensive and regular use than when latterly used as a place of worship.
- 10.22 As the building is partly within a local centre at the junction of two roads, background noise levels during the day would mitigate the comings and goings at the building. This is assisted by the separation of the building to surrounding dwellings and the difference in levels between the site and Vicarage Gardens. At quieter times the intensification of use could be more noticeable and the ability of the insulation envelope of the building, in particular the windows, to contain noise is unknown. The proposed hours of use would not extend into a late-night use, the closing time is proposed at 10pm each evening. This closing time is considered to reasonably balance the operational flexibility of a community use with the retaining a good standard of residential amenity. On the basis of the proposed use and hours proposed, there are no objections and no other mitigation to support the use is recommended.
- 10.23 There are no proposals for new external lighting. To ensure new lighting does not result in light pollution that would be harmful to residential amenity and ecology reasons, it is recommended a condition is imposed requiring details of external lighting before it is installed.
- 10.24 Thus, in respect of residential amenity, Officers consider that the proposal would be in accordance with Policies LP24(b) and LP52 of the Kirklees Local Plan, policies within Chapters 12 and 15 of the NPPF. This is subject details of external lighting and the hours of use of the building being controlled to those set out in the application form, allowing longer hours for the community cafe (9:00-17:00) for operational flexibility.

Landscape issues

- 10.25 Policy LP33 of the Kirklees Local Plan states that the Council will not grant planning permission for developments which directly or indirectly threaten trees or woodlands of significant amenity. Policy LP33 goes on to note that proposals should normally retain any valuable or important trees where they make a contribution to public amenity, the distinctiveness of a specific location or contribute to the environment, including the Wildlife Habitat Network and green infrastructure networks. Policy LP33 also states that proposals will need to comply with relevant national standards regarding the protection of trees in relation to design, and that where tree loss is deemed to be acceptable, developers will be required to submit a detailed mitigation scheme.

10.26 There are trees protected by Tree Preservation Order to all boundaries of the application site. This application, which seeks a change of use only, would cause no direct or indirect to trees and would accord with Policy LP33 of the Local Plan and Chapter 12 of the NPPF.

Highway issues

10.27 Policy LP20 of the Kirklees Local Plan states that: *“New development will be located in accordance with the spatial development strategy to ensure the need to travel is reduced and that essential travel needs can be met by forms of sustainable transport other than the private car.”*

10.28 Policy LP21 of the Kirklees Local Plan states that: *“New development will normally be permitted where safe and suitable access to the site can be achieved for all people and where the residual cumulative impacts of development are not severe.”*

10.29 The proposal for car parking has been assessed against Policy LP22 of the Kirklees Local Plan which sets out that proposals should demonstrate how the design and amount of parking proposed is the most efficient use of land within the development as part of encouraging sustainable travel.

10.30 Policy LP24 (f) states that proposals should promote good design by ensuring the needs of a range of different users are met, including disabled people, older people and families with small children to create accessible and inclusive places. Policy LP13 also states that all proposals shall be inclusive for all users.

10.31 Access to the site is taken via the corner of Jackroyd Lane in the vicinity of the signalised junction with Newsome Road South, this is for pedestrians only and is an existing established arrangement. The paths to the building are generally level and there is a ramp into the building which assists in creating an accessible space.

10.32 There is no off-street parking proposed with the application. However, as the location of the site is in a village centre location with good public transport links/walking routes from surrounding properties Highways DM consider there is no need to provide any off-street parking to facilitate the change of use with the premises. This is supported by the fact that there is a level of on street parking available on the streets surrounding the Church. In addition, there are two bus stops directly outside the site for access to public transport.

10.33 Given the lack of off-street parking and to further promote sustainable travel it is recommended that cycle storage facilities be provided, this would be in accordance with Policy LP20 and LP24 of the Local Plan.

Representations

10.34 One representation in support of the application as set out in paragraph 7.2.

Other Matters

Graveyard

- 10.35 The graveyard to the South-West of the church is not within the application site and is not affected by this proposal.

Climate Change:

- 10.36 On 12th 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 predates 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. When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.
- 10.37 Of note, Policy LP51 of the Kirklees Local Plan outlines that development should not lead to an increase in air pollution which would have an unacceptable impact on the natural or built environment or to people. No car parking spaces are proposed to serve the new community use, which is in an accessible and sustainable location in the centre of Newsome with good access to public transport. The principle of local community use should encourage sustainable modes of transport, as set out earlier in this report. Given the above, it is considered that the proposed use would not have a materially negative impact on air pollution, and the impact upon climate change is considered acceptable.

Crime Prevention:

- 10.38 Section 17 of the Crime and Disorder Act 1998 places a duty on each Local Authority to '*do all that it reasonably can to prevent crime and disorder in its area*'. Section 8 ('Promoting healthy and safe communities') of the National Planning Policy Framework states at paragraph 92 that there should be an aim to achieve healthy, inclusive and safe places which: (b) are safe and accessible so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion. Policy 24(e) of the Kirklees Local Plan also notes that the risk of crime should be minimised by enhanced security, the promotion of well-defined routes, overlooked streets and places, high levels of activity and well-designed security features.
- 10.39 No objections to the proposal have been raised by KC Crime Prevention. A detailed series of recommendations have been forwarded to the applicant for their consideration and information.

Ecology

- 10.40 The site is within a built-up area Biodiversity Opportunity Zone and is covered by a bat alert zone.

- 10.41 Chapter 15 of the NPPF relates to conserving and enhancing the Natural Environment. Paragraph 179 of the NPPF outlines that decisions should promote the protection and recovery of priority species and identify and pursue opportunities for securing net gains for biodiversity. Paragraph 180 goes on to note that if significant harm to biodiversity resulting from development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.
- 10.42 Policy LP30 of the Local Plan outlines that development proposals should minimise impacts on biodiversity and provide net biodiversity gains through good design by incorporating biodiversity enhancements and habitat creation where opportunities exist. As this application is simply for a change of use, it is deemed unnecessary to request biodiversity net gains.
- 10.43 There are no proposals, at this stage, to alter the fabric of the building, which is already used for community purposes, or its grounds to serve the new use. There is a reasonable likelihood that the building could host bat roosts, given its design and proximity to trees, but there are no records of roosts on the site. The principal disturbance to bats would be through external lighting if this was designed insensitively. It would be necessary therefore to control any external lighting light scheme to avoid harm to biodiversity in accordance with Policy LP30 of the Local Plan.

Waste:

- 10.44 Policy LP43 of the Kirklees Local Plan relates to the management of waste. There is no information regarding refuse storage and collection from the premises, as such this will be required to be dealt with by appropriate condition. This should be stored in a discreet location to comply with LP24 of the Local Plan but be easily accessible in the interests of highway safety.

11.0 CONCLUSION

- 11.1 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.
- 11.2 This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the proposed development would constitute sustainable development and is therefore recommended for approval.

12.0 CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Planning and Development)

1. Development shall be begun within three years of the date of the permission.
2. Development to be in complete accordance with plans and specifications (unless specified otherwise).

3. Hours of use: no activities outside the hours of 9:00-22:00 every day, and the ancillary community café no outside 9:00-17:00 each day
4. No external lighting until details submitted to and approved in writing by the local planning authority.
5. Details of bin storage, bin presentation points and access for collection of wastes
6. Details of cycle storage facilities

Background Papers:

[Planning application details | Kirklees Council](#)

Application and history files. <https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2023%2f91198>

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