



Waverley House

Waverley Road

Huddersfield

HD1 5NA

**Change of Use from Offices to Community Use and
Place of worship**

Introduction

This application has been prepared by AKPlanning and is in support of a planning application for the change of use of the premises from offices to a community centre and place of worship. The application is retrospective.

Background

The current use of the premises is as a community centre, and this includes part of the building being used as a mosque.

Site History (Planning Applications)

87/02157 Change of use of caretakers flat to social services facilities (incl use of St. James Church Car park) (within Conservation Area). Granted May 1987

2000/91571 CHANGE OF USE FROM DRIVING THEORY TEST CENTRE TO EDUCATIONAL - SCHEDULE D1 (WITHIN A CONSERVATION AREA). Granted July 2000

2020/93614 Prior approval for change of use from office (B1) to 13 residential units (within a Conservation Area). Refused February 2021

2021/90950 Prior approval for change of use from office (B1) to 9 residential units. Refused May 2021

2021/91283 Installation of roof lights and formation of car parking (within a Conservation Area). Refused March 2022

The current occupiers (known collectively as masjid community centre) occupied the premises in July 2022. They purchased approximately 12 months later.

From the history of the site we can see, in the officer report for both of the residential applications (2020 and 2021), that the Council consider that the use of the premises (prior to the current use) to be: -

The building appears to be vacant at the time of writing. It appears that the majority of the building has been in a B1a use, but that part of the first floor was used by the Driving Standards Agency as a driving test centre which is considered to be a sui generis use.

It does not explain why the driving test centre was considered sui generis. It is known (from personal experience by the writer) that this property housed the DVSA driving inspectors and that learner drivers took their practical tests here (they arrived in their car, and were taken out for the test, driving instructors waited in a room for the test to be completed).

This use is ostensibly as an office for the inspectors with a waiting room for driving instructors whilst the test was taking place.

The previous owner of the building, who was contacted by telephone, has described the building as being occupied by 6 separate businesses and the DVSA.

Please note that the land to the side of the building that was laid out as a car park by the previous owner does not form part of this application. It will be restored to a landscaping area if permission is given for the use.

Previous Enforcement Action

A current Enforcement Notice has been served against the use; this has been appealed.

A previous enforcement notice was against the car parking that was created to the West of the building.



We have been provided with a copy of the notice which alleged the creation of a hardstanding on the area shown in the aerial photograph (previous page). There was an appeal (Z4718/C/22/3308575) against this notice but not under ground (a), the planning merits of a car park were not considered. The appeal went ahead under grounds (b) and (e).

Given the lack of a ground (a) appeal we consider that this appeal has little relevance to the outcome of this application.

Consideration of the Current Use

The LPA allege that there has been a change of use to a place of worship, which is in use class F1 of the Use Classes Order 1987 as amended.

Waverley House is one large building (with grounds) which is owned by the Iman Community Association (ICA) (a charitable incorporated association). It is used by this association to serve the local (mainly Kurdish but not solely) community. Other communities (Libyan, Yemen, Pakistani and Sudanese) do use the facilities as they have nowhere else.

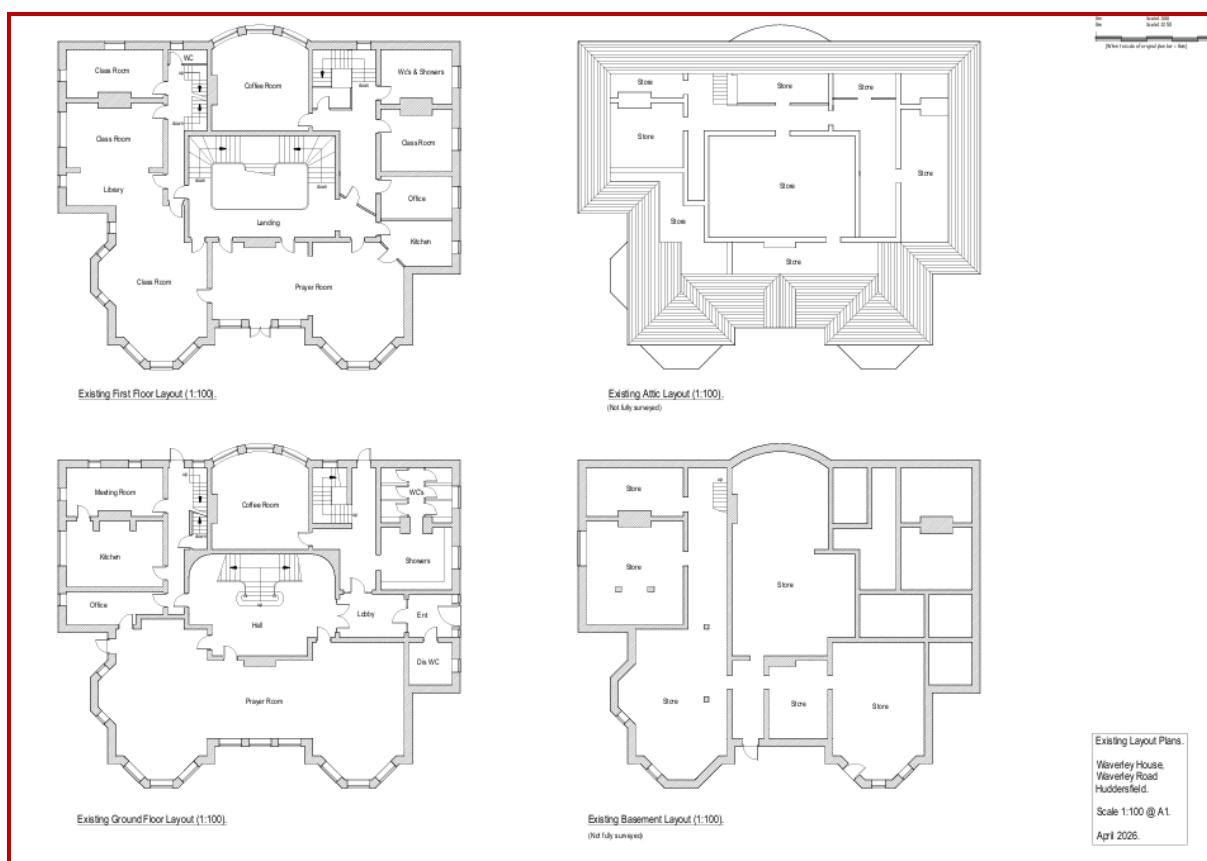
The constitution of the ICA states: -

The objects of the charitable organisation are: -

- 1. To advance the religion of Islam in Huddersfield, metropolitan borough of Kirklees and in West Yorkshire, England for the benefit of the public mainly, but not exclusively, by means of broadcasting Islamic messages of an evangelistic and teaching nature through the holding of prayer meetings, lectures public celebration of religious festivals producing and/or distributing literature on religion of Islam to enlighten others about the religion of Islam.*
- 2. To further or benefit the residents of Huddersfield and the neighbourhood, without distinction of sex, race or of political political, Religious or other opinions by associating together the said residents and the local authorities, voluntary and other organisations in a common effort to advance education under to provide facilities in the interests of social welfare for recreation and leisure time occupation with the objective of improving the conditions of life for the residents. In furtherance of these objects but not otherwise the trustees shall have power to establish all secure the establishment of a community centre and to maintain or manage or co-operate with any statutory authority in the maintenance and management of such a centre for activities promoted by the charity in furtherance of the above objects.*

As can be seen by these objectives the purposes of the charity that owns and runs Waverley House are not solely to provide a place of worship. These objectives are reflected in the use of the building which is more akin to a community centre than a single place of worship.

To help understand the uses within the building we have produced the floor plans below (also at appendix A)



The building has four floors. The attic is vacant and used solely for storage. The basement is currently vacant but there are plans to develop it for a space for community youth activities.

There are two areas which are permanently set aside as prayer space (demarked in yellow on the plan). The first is on the ground floor within the main hall. The second is on the 1st floor in a space above the main hall. The 1st floor is used as a ladies prayer room.

Kitchen areas, offices, toilets and meeting room are all delineated.

Offices are used for the charities official business and as private areas where people can get translation services and assistance with filling in forms for any purposes (social services; asylum seeking etc.)

There are some areas that are multi use. Upstairs there is a space that is used for parties, education and other community events.

It is used Monday to Thursday for teaching purposes 5-30 until 7PM and on a Saturday 11Am to 3PM Children attend for general education, including learning languages, and religious education. There are up to 40 boys and 40 girls attend

aged 7-18. They either walk to the premises or are dropped off by parents (including many family groups).

On the ground floor the large space of the main hall (which is split from the prayer room by a curtain and marked in blue) is used for two purposes. Firstly large special events such as parties (same as the upstairs space) and secondly on Fridays as part of the prayer space for the larger congregation.

Prayers are held every day at the centre. With the exception of a Friday there would usually be 10-20 attendees at any one time. On a Friday the number can be up to 100.

It is our opinion that the best description of the use is as a community centre incorporating a place of worship.

Statement

The enforcement notice alleged that the use was causing parking problems. A separate transport statement (TS) is submitted to cover this matter in detail.

The Community leaders have recognised that there is a problem with parking at busy times; Friday prayers and when the building is used to host a community event. As has been stated there are only 5 off-street parking spaces available.

To alleviate the parking issue the charity has issued a parking policy which is circulated to all users. They are also, during times of prayer and when bookings/ parties are arranged, encouraging people to travel by foot or public transport or to car share.

A copy of the traffic management plan is submitted with the TS for the consideration of the inspector. Of particular note is point F, the purchasing of a mini-bus, which will be implemented in the near future and will assist people who normally must come by car because of a lack of mobility. The charity has informed AKPlanning that they have purchased a 10-bike rack that is, at the time of writing, being erected on site and that, they are (before the end of February) purchasing the minibus for daily use. Voluntary stewards are now patrolling the streets and asking people to park in accordance with a parking plan that has been issued (appendix B). a steward is being employed (i.e. a paid job) to do the same thing at busy times (Fridays in particular).

A pre-application submission was made to the LP where it was indicated that the use could be supported without the need for providing the car park spaces to the west that were subject of an earlier enforcement notice.

It should also be noted that the Community Association have spent £150,000 on improving and maintaining the building. Most notably the roof was in a significant state of disrepair, and many timbers had to be replaced to ensure a watertight building. Without this Waverley house could have fallen into significant disrepair, which would have a detrimental effect on the conservation area.

Heritage Impact

The application does not involve any physical changes to the appearance of the building. The only impact is a positive one with the repair and maintenance of the building now being guaranteed.

Noise

Most activities at the site take place during the day, with some going into late evening. There is no significant noise or disturbance from people coming and going at unsocial times. The day-to-day activities of the centre cause no issues. There will

be, two or three times a year, special religious days where 150 people attend. But these are during the day and only for a few hours.

Conclusions

- Waverley House is used as a community centre and a place of worship.
- The existing use is acceptable as a community use near to the town centre.
- The charity recognises that there have been previous issues and have tried to alleviate any problems with sensible and practical solutions to the parking issue.

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