Statement in support of the proposed change of use of two storey retail unit to two one bed apartments at **5a Railway Street, Cleckheaton**

JG-D has been instructed by Broadleaf Property Management Limited to prepare a Prior Notification application for the change of use of the two storey Class E Commercial space at 5a Railway Street, Cleckheaton to create 2no one bed residential apartments.

It is opined that the proposals constitute permitted development as a consequence of The Town and Country Planning (General Permitted Development) (England) Order 2016 which came into force on 6th April 2016.

Class MA of Part 3 of Schedule 2 of the 2015 Order (as amended) notes that permitted development includes:
Development consisting of a change of use of a building and any land within its curtilage from a use falling within Class E (commercial, business and service) of Schedule 2 to the Use Classes Order to a use falling within Class C3 (dwellinghouses) of Schedule 1 to that Order.
This statement describes the proposed change of use (the scheme) and addresses whether the prior approval of the Local Authority is required (the notification procedure) using the guidance of the GPDO and supporting information provided by others. It attempts to follow a logical format to offer clarity and draws reference from precedent approvals and appeals where appropriate:

- Planning History
- Existing Commercial Space
- The scheme
- Analysis of the relevant criteria
- The Notification procedure
- Conclusion

Planning History
5a Railway Street is a nineteenth century two storey stone built terraced unit which forms a continuous frontage with its neighbours stepping down towards Northgate. Railway Street originally created a link between the Station and the Town Centre and included the Royal Hotel at its junction with Crown Street but the hotel has been reduced – and renamed – and the through route closed off to vehicles.
The application site offers a narrow frontage to the Highway at ground floor before extending across the neighbouring property of 7 Railway Street at first floor. The neighbouring building previously housed the Cleckheaton Branch of the Halifax Building Society before it relocated to Central Arcade.
5a Railway Street has served as a dress alteration shop, recruitment agency, pilates studio and was last used as a wholesale beauty treatment shop.

Existing Commercial Space
The application space has access from the footpath into a ground floor sales area with a large scale window opening. A central dividing wall screens service spaces to the rear and a winder stair to the first floor. A secondary door provides access to an external courtyard which links back to Railway Street via an alleyway between 5 and 3 Railway Street.
At first floor a landing space leads to two primary store areas with window openings onto Railway street.

The Scheme
Proposals work within the existing envelope to create 2no one bed apartments:
Apartment 1 provides one bed, two person accommodation over two storeys, accessed by the original doorway from Railway Street with an internal lobby. The ground floor living space links to a central hallway with an associated kitchen space providing access to the existing yard. The original stair leads to a first floor bedroom overlooking the street with a bathroom and study spaces towards the rear.
Apartment 2 provides one bed, one person accommodation at first floor level. With the existing vertical circulation enclosed within the neighbouring apartment, the new unit links to the

staircore within 8 Cross Crown Street which is accessed by an external walkway at ground floor level. The original Office space is truncated to provide a lobby to the new flat, leading to a spine corridor serving living and sleeping spaces with a bathroom space to the rear.
For the avoidance of doubt it is clear that the development permitted by Class MA does not include any building operations in connection with the residential conversion of a building.

Analysis of the relevant criteria
To show compliance with The Town and Country Planning (General Permitted Development) (England) Order a series of tests must be met. Development is not permitted by Class MA:

(b) unless the use of the building fell within one or more of the classes specified in sub-paragraph (2) for a continuous period of at least 2 years prior to the date of the application for prior approval;
The previous tenant provided wholesale beauty products

(d) if land covered by, or within the curtilage of, the building—
(i) is or forms part of a site of special scientific interest;
The land is not a site of special scientific interest

(ii) the building is a listed building or is within the curtilage of a listed building;
The building is not a listed building and is not within the curtilage of a listed building,

(iii) is or forms part of a scheduled monument or land within its curtilage;
The site is not and does not contain a scheduled monument.

(iv) the site is, or forms part of, a safety hazard area;
The site is not and does not form part of a safety hazard area.

(v) the site is, or forms part of, a military explosives storage area;
The site is not and does not form part of a military explosives storage area.

(e) if the building is within—
(i) an area of outstanding natural beauty;
The building is not within an AONB

(ii) an area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981(3);
The building is not within an area specified for the protection of wildlife

(iii) the Broads;
The building is not within the Broads

(iv) a National Park;
The building is not within a National Park

(v) a World Heritage Site;
The building is not within a world heritage site

(f) if the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained;
The site is not part of an agricultural tenancy

(g) before 1 August 2022, if—
(i) the proposed development is of a description falling within Class O of this Part as that Class had effect immediately before 1st August 2021; and
(ii) the development would not have been permitted under Class O immediately before 1st August 2021 by virtue of the operation of a direction under article 4(1) of this Order which has not since been cancelled in accordance with the provisions of Schedule 3.
The building has not been subject of an Article 4 direction.

The Notification Procedure
Development under Class MA is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—

(a) transport impacts of the development, particularly to ensure safe site access.

(b) contamination risks in relation to the building,

(c) flooding risks in relation to the building,

(d) impacts of noise from commercial premises on the intended occupiers of the development,

(e) where—
(i) the building is located in a conservation area, and
(ii) the development involves a change of use of the whole or part of the ground floor, the impact of that change of use on the character or sustainability of the conservation area;

(f) the provision of adequate natural light in all habitable rooms of the dwelling houses,

(g) the impact on intended occupiers of the development of the introduction of residential use in an area the authority considers to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses; and

(h) where the development involves the loss of services provided by—
(i) a registered nursery, or
(ii) a health centre maintained under section 2 or 3 of the National Health Service Act 2006(4),
the impact on the local provision of the type of services lost.

Transport and highways impacts of the development
Railway Street is considered to occupy a sustainable location with excellent access to public transport on A638 Bradford Road. Bus stops serving routes in both directions are available outside the Town Hall and Cleckheaton Bus Station is 150m to the South.
Although the applicant believes that car ownership will be low given the nature of the proposed accommodation on-street parking is available on Railway Street between 6pm – 8am, whilst

off-street car parking is available at the long stay public car park at Crown Street 40m to the West.
There are Car Clubs available in Bradford and Dewsbury which allow residents to rent vehicles by the hour or day, the largest being Enterprise who offer a promotional £30/ day rate.
The existing retail unit uses the external yard to store refuse and recycling containers. Apartment 1 will continue to use this approach with bins presented for collection via the existing ginnel. Apartment 2 will store waste and recycling containers within the yard space to the West, to mirror the arrangement for the other apartments within 8 Cross Crown Street.
Cycle storage will be provided within Apartment 1 with a proprietary hanging stand accessed through the yard whilst Apartment 2 will utilize the space below the stairs with key operated entry.
It is opined that there are no undue transport or highway risks.

Contamination risks in relation to the building
The application space has been used for retail accommodation and there are not considered to be any significant contamination risks.

Flooding risks in relation to the building
The site is within Flood Zone 1 with low probability of flooding.

Noise in relation to the building
Railway Street provides access to the nearby Supermarket loading bay and is anchored by the Station Tavern which both have the potential to create nuisance noise. There have been a large number of residential conversion schemes in the area however which suggest the issue is manageable and it is proposed to provide a noise insulation and ventilation solution based on a noise survey prior to occupation to meet WHO guidance and the requirements of AD_E.

Conservation Area
The site is not within a Conservation Area.

Provision of adequate natural light
The primary habitable spaces all have existing openings providing both light and ventilation although as noted above bedrooms may require mechanical ventilation subject to the results of the post decision noise survey.

Restrictive Use
The area is mixed use with commercial space below residential, there are not considered to be conflicting uses which should be protected.

Essential Use
The space does not provide nursery or healthcare uses.

Conclusion
The evidence, analysis and justification submitted with this application confirms that the proposed change of use of the building to residential use is permitted development in accordance with the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

We understand the Local Planning Authority has 56 days following receipt of the application within which to determine whether prior approval is not required, granted or refused.