

Planning Appeal Statement

Application Reference: 2025/90833

Site Address: 37 Bradford Road, Cleckheaton, BD19 3JN

Proposal: Prior Approval for Change of Use of Part Industrial Building (Use Class E(g)) to Residential (Use Class C3) under Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

1. Introduction

This statement is submitted in response to the refusal of prior approval for the above development at 37 Bradford Road, Cleckheaton.

Reasons for refusal.

1. The development fails to demonstrate that all habitable rooms within the proposed dwellings would receive adequate natural light, as required under Paragraph MA.2.2(f) of Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Habitable rooms on the south elevation would face, in close proximity, to a three storey building. The applicant has not demonstrated that both direct and ambient light would not be reduced to an unacceptable level.
2. The application fails to provide any information to assess the transport and highways impacts of the proposed development, as required by Paragraph MA.2(1) (a) of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). No information has been provided to satisfy the Local Planning Authority that sufficient space can be provided for bin storage and off-street cycle or car parking
3. By virtue of the industrial heritage of the building, the site falls within land designated as contaminated land. The application has not demonstrated that the site can be mitigated against the contaminated land contrary to Paragraph MA.2.2(b) and Paragraph W(10)(c) of Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) within the application site.

A. NATURAL LIGHTING

The originally submitted scheme did fail a Natural lighting assessment. This has been addressed by combining two ground floor flats into one and the internal layout has been amended accordingly.

See attached Natural Lighting Assessment.

Also see Appendix A of this statement detailing the changes that have been made and why we request that the amended drawings and information are considered as part of an appeal.

B. Transport Statement

1. Introduction

This Transport Statement (TS) has been prepared to address the transport and highways considerations associated with the proposed conversion of the existing building at 37 Bradford Road, Cleckheaton into eight self-contained residential flats.

The statement responds specifically to the reason for refusal stating that the original application “fails to provide any information to assess the transport and highways impacts of the proposed development” as required under Paragraph MA.2(1)(a) of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

This TS demonstrates that the proposal would have no material adverse impact on the operation of the local highway network and that the site is suitably located to support sustainable travel choices.

2. Site Context

Address: 37 Bradford Road, Cleckheaton, BD19

Location: The site lies within Cleckheaton town centre, within a mixed-use area comprising retail, commercial and residential uses.

Access: The site fronts directly onto Bradford Road (A638), a main distributor road with footways on both sides and bus stops within close proximity.

Public Transport: Multiple routes serve Bradford Road with direct connections to Bradford, Leeds, and Huddersfield.

Rail: The nearest railway stations are Low Moor (approx. 4.3 km) and Mirfield (approx. 6.8 km), both accessible by bus.

Pedestrian and Cycle Access: The surrounding area benefits from continuous footways, controlled crossings, and access to local cycle routes. Daily amenities are within short walking distance.

Given its highly accessible location, the site is considered sustainable and suitable for a car-light residential development.

3. Development Proposals

The proposal involves the conversion of the existing building into eight (seven additional) self-contained flats. No increase in building footprint is proposed. Vehicular access will remain via the existing entrance from Bradford Road. Ancillary areas for refuse and cycle storage will be provided within the site boundary.

4. Parking Provision

4.1 Car Parking

Given the site's central location and access to excellent public transport, the proposal is consistent with the Kirklees Local Plan approach to flexible car parking standards in sustainable town-centre locations.

4.2 Cycle Parking

In accordance with local standards and Paragraph MA.2(1)(a), the scheme includes secure, covered cycle storage for 7 cycles (1 per flat). Location: Side as shown on attached plan, There is sufficient space within each ground floor unit for an internal storage space.

Specification: Sheffield stands within a lockable, covered enclosure, meeting LTN 1/20 guidance.

5. Refuse and Recycling Storage

A dedicated refuse and recycling store will be provided within the site boundary, accessible to residents and the collection service.

Capacity: To accommodate 2 x 1100L bins for general waste and 2 x 1100L bins for recycling, consistent with Kirklees Council waste guidance.

Location: At ground-floor level with a direct, level route to Bradford Road for collection days. Plan enclosed for illustration.

6. Traffic Impact and Highway Safety

The conversion to eight (seven additional) flats represents a low-intensity residential use compared to potential alternative commercial uses of the existing building.

Trip generation: Negligible increase in daily movements relative to existing baseline.

Highway capacity: Bradford Road and surrounding junctions have adequate capacity for the minimal increase.

Servicing and emergency access: Unaffected by the proposal.

7. Sustainability and Travel Opportunities

The development will encourage sustainable travel through:

- Provision of on-site cycle storage.
- Excellent access to bus services (within 100m).

- Proximity to shops, schools, and services within walking distance.
- Potential for a Travel Information Pack for residents to promote walking, cycling and public transport use.

8. Policy Compliance

The proposal complies with:

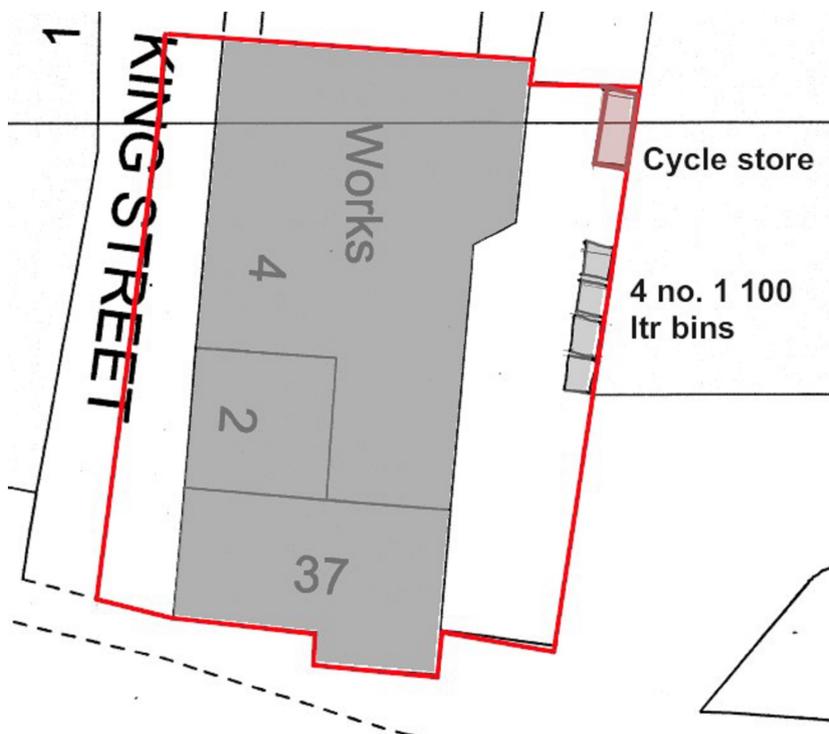
- Paragraph MA.2(1)(a) of the GPDO 2015, by providing evidence of transport and highways impact.
- Kirklees Local Plan Policy LP20 (Sustainable Travel) and LP22 (Parking).
- National Planning Policy Framework (2023) paragraphs 110–113, which support development that promotes sustainable transport and limits the need to travel by car.

9. Conclusion

This Transport Statement demonstrates that:

- The proposed conversion will generate minimal vehicle trips and will not materially impact highway capacity or safety.
- Adequate bin storage, cycle storage, and car parking can be provided within the site.
- The site is highly accessible by sustainable modes, supporting reduced car dependency.
- The proposal therefore satisfies Paragraph MA.2(1)(a) of the GPDO 2015 and relevant local plan policies.

Accordingly, the transport and highways impacts of the development are acceptable, and refusal on such grounds would not be justified.



C. CONTAMINATED LAND.

The refusal cited concerns relating to potential land contamination arising from the industrial heritage of the site, referencing Paragraph MA.2(2)(b) and Paragraph W(10)(c) of Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

The following statement demonstrates that any potential contamination issues can be properly identified, assessed, and mitigated through standard investigation and remediation procedures. The proposal therefore complies with the requirements of the GPDO and relevant local planning policy.

2. Site Context

The property comprises a part-industrial building located on the south side of Bradford Road within a mixed-use area of Cleckheaton. The surrounding context includes a combination of light industrial, commercial, and residential uses. The site's industrial heritage is acknowledged; however, the proposed works relate solely to internal conversion of part of the existing building, with no new groundworks, excavation, or external alterations proposed that would disturb or mobilise potential contaminants.

3. Reason for Refusal

"By virtue of the industrial heritage of the building, the site falls within land designated as contaminated land. The application has not demonstrated that the site can be mitigated against the contaminated land contrary to Paragraph MA.2(2)(b) and Paragraph W(10)(c) of Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)."

4. Legislative Context

Under Paragraph MA.2(2)(b), development is not permitted under Class MA if the site is or forms part of contaminated land, unless it can be shown that the land is capable of being made suitable for the intended use. Furthermore, Paragraph W(10)(c) allows the local planning authority to require the applicant to provide information to demonstrate that the land is capable of being made suitable for the proposed use.

In this case, the applicant acknowledges the industrial nature of the site but submits that the potential risk can be satisfactorily investigated and mitigated through the established process of site assessment and, if necessary, remediation.

5. Proposed Mitigation and Next Steps

To address this issue comprehensively, the applicant proposes the following staged approach:

1. Phase 1 Preliminary Risk Assessment (Desk Study): A Phase 1 Desk Study will be undertaken by a suitably qualified environmental consultant. This will review historical land use, local authority records, environmental data, and identify any potential contaminant linkages.

2. Phase 2 Intrusive Investigation (if required): Should the Desk Study identify potential contamination, a targeted Phase 2 investigation will be conducted, including soil and/or gas sampling to quantify any risks to human health or the proposed residential use.

3. Remediation Strategy and Validation (if necessary): If contamination is found, a Remediation Method Statement will be submitted to the Council for approval and implemented prior to occupation, ensuring the site is suitable for its intended residential use. Validation testing will be undertaken to confirm the success of remediation.

6. Compliance with Policy

The proposed approach ensures compliance with:

- Paragraphs MA.2(2)(b) and W(10)(c) of the GPDO 2015 (as amended);
- Kirklees Local Plan Policy LP53 (Contaminated and Unstable Land);
- The National Planning Policy Framework (NPPF), paragraph 183.

7. Conclusion

The applicant recognises the Council's concerns but submits that these can be addressed through the standard contaminated land assessment process. The development can be made suitable for residential occupation without risk to human health or the environment.

Accordingly, it is respectfully requested that the Council (or Planning Inspector) reconsider the decision and approve the application subject to a condition requiring the submission and approval of a Phase 1 Desk Study prior to commencement, as set out below:

Suggested Condition

"No development shall commence until a Phase 1 Desk Study (Preliminary Risk Assessment) has been submitted to and approved in writing by the Local Planning Authority. Where the Desk Study identifies potential contamination, a Phase 2 Intrusive Site Investigation and, if necessary, a Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority prior to development commencing. Any remediation shall be implemented and validated prior to occupation of the dwellings."

Appendix A – Amended Drawings Summary

1. Covering Note

Purpose of this Appendix

This appendix provides a clear summary of the amended internal layout drawings submitted with the appeal. The amendments are limited to the internal configuration of units within the building envelope. They respond directly to the local planning authority's refusal reason concerning natural lighting and internal amenity.

Nature of Amendments

The revised drawings reduce the total number of residential units from nine to eight (one of which is existing) The change improves daylight and outlook for the remaining units and ensures compliance with relevant internal lighting standards. The amendments do not affect the external elevations, building footprint, height, massing, or relationship to neighbouring properties.

Basis for Acceptance

The appellant submits that the amendments are minor and do not materially alter the nature of the proposal. In accordance with the Wheatcroft principles, the consideration of these revisions would not prejudice the local planning authority or any third party, as they simply improve the internal quality of accommodation within an unchanged building form. The appellant therefore respectfully invites the Inspector to consider the amended drawings as part of this appeal.

2. Comparison Table

Description	Original (Refused) Scheme	Amended Scheme	Nature of Change
Ground Floor Plan	5 Flats	4 flats	Reduction of 1 unit to improve daylight provision
First Floor Plan	4 flats, one of which is existing	4 flats, one of which is existing.	
Elevations (All)	As proposed	Unchanged	No change

3. Summary Statement

The amendments improve the internal layout and amenity standards of the proposed development without changing its external appearance or impact. The revised layout continues to deliver high-quality accommodation while directly addressing the Council's concerns regarding natural light and internal living conditions.