

Statement in support of proposed change of use of existing office space to 2no residential apartments at **Unit 1 Offices, Orchard Works, Spen Vale Street, Heckmondwike WF16 0NQ**



JG-D has been instructed by Irfan Aslan of Haslam Homes Ltd to prepare a Prior Notification application for a change of use of first floor Class E Commercial space located on Spen Vale Street to create two 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 Office Space
- The scheme
- Analysis of the relevant criteria
- The Notification procedure
- Conclusion

Planning History

The application building is first recorded on the 1892 OS Plan of Heckmondwike as part of Orchard Dye Works, built to support the Woollen Mills along the Spen River dating from 1850s. There are no records of Planning applications on the Kirklees Local Planning Authority website for the application site although surrounding plots have seen various industrial units proposed and approved.

Existing Office Space

Unit 1 provides a suite of cellular spaces at first floor level accessed from vertical circulation associated with Unit 2 – a joinery workshop – and a separate ground floor lobby space. Rooms open onto a landing space to the rear with large pvc-U windows and include a break area, kitchen, prayer room and offices overlooking Span Vale Street. The space was occupied by SVK Holdings Ltd until 2013 and subsequently Lock Way Plastics Ltd.

Most recently it has provided an administrative base for an on-line furniture and home accessories retailer but the use ceased in Autumn 2022, prompting this application.

The Scheme

Proposals work within the existing envelope to create two two bed apartments at first floor level. It is proposed to remove the existing stair from Unit 2 and take access from the existing external door on Span Vale Street which leads into a lobby space with dedicated storage, access to refuse and cycle storage and a common stair to the first floor apartments. The apartments each have an internal lobby space providing separation between living and sleeping rooms and access to the sanitary accommodation which is linked to the existing drainage.

The proposed floor plan has been simplified to ease the prior notification procedure. 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:

(a) unless the building has been vacant for a continuous period of at least 3 months immediately prior to the date of the application for prior approval;

The Office space has been vacant for over 3 months. It has been used intermittently since the last long term tenant vacated in 2018. The last occupier was an on-line furniture retailer who ceased trading in Autumn 2022.

(b) unless the use of the building fell within one or more of the classes specified in subparagraph (2) for a continuous period of at least 2 years prior to the date of the application for prior approval;

The Use of the Building as Class E (commercial, business and service) has been established by the previous tenants and the qualifying letter submitted in support of this application

(c) if the cumulative floor space of the existing building changing use under Class MA exceeds 1,500 square metres;

The existing building has a footprint of 150sqm.

(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 and highways impacts of the development.

(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

Although no dedicated parking is associated with the change of use, on street parking is available on Spen Vale Street and the site is within walking distance of Heckmondwike Centre. Regular bus are available from Walkley Lane (<100m from application site via Cater Lane) to Dewsbury which benefits from a mainline station with services to Leeds/ Manchester.

Floor plans illustrate space for refuse/ recycling and cycle storage within the existing building at ground floor level

It is opined that there are no undue transport or highway risks.

Contamination risks in relation to the building

Although Orchard Works was previously a dyehouse serving the woollen mills on Spen River, the application space is first floor Office accommodation and there are not considered to be any significant contamination risks.

Flooding risks in relation to the building

The proposed development consists of the conversion of the first floor of an existing building with no increase in drained area. Although the wider site is part of a Flood Zone 3 area (Orchard Works) Unit 1 is accessed from (and elevated above) Spen Vale Street which is in Flood Zone 1. It is therefore opined that there are no undue flooding risks.

Noise in relation to the building

The area is predominantly light industrial (Class E(g)(iii)) with operations appropriate in the vicinity of residential properties without detriment to their amenity but acoustic testing will be undertaken pre-occupation.

Conservation Area

The site is not within a Conservation Area

Provision of adequate natural light

Each habitable space has an existing window opening.

Restrictive Use

The area is predominantly light industrial with pockets of residential development, 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.



Furniture Components Supplier

20 December 2022

Dear Jim

I am writing as requested to confirm that due to the current economic climate and financial uncertainty I have now ceased trading. I vacated the Spenvale Street Offices on the 20th October 2022 and informed both the landlord and Kirklees Council of my decision at the time.

I trust this is sufficient for your requirements but if you require any further information, please don't hesitate to contact me.

Regards

Faysal Sagher

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