



Planning, Design and Access Statement

Conversion of vacant office to residential 1st floor into two apartments (1 of 2-bedroom and 1 of 1-bedroom)

Site Address: 64 Market Place, Heckmondwike, WF16 0HX

Introduction

Hamond Projects has been instructed by Mr Aymen Jawad to prepare a Prior Approval application for a change of use of a Class E office located above the former Al-Murad tiling store on Market Place to two 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 a change of use of a building:

From a use falling within Class E (commercial, business and service) of Schedule 2 to the Use Classes Order to use falling within Class C3 (dwellinghouses) of Schedule 1 to that Order

This statement describes the proposed change of use (the scheme). It attempts to follow a logical format to offer clarity and draws reference from precedent approvals and appeals where appropriate:

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

Local Precedent

Address	Application No.	Date Approved
8 Croft Street, Heckmondwike, WF16 OEX	2021/Class MA/93788	09 December 2021
45 Market Street	2021/62/92955/E	05 August 2022

Planning History

[Application 2009/92218](#)

[Erection of illuminated and non-illuminated signs](#)

[🏠 Bradford & Bingley, 64, Market Place, Heckmondwike, WF16 0HX](#)

[Received on 30-Jul-2009](#)

✓ [Application approved](#)

[Application 2009/92217](#)

[Installation of ATM \(cash machine\)](#)

[🏠 Bradford & Bingley, 64, Market Place, Heckmondwike, WF16 0HX](#)

[Received on 30-Jul-2009](#)

✓ [Application approved, comment period has ended](#)

[Application 95/92768](#)

[INSTALLATION OF A T M](#)

[🏠 BRADFORD & BINGLEY BUILDING SOCIETY, 64, MARKET PLACE, HECKMONDWIKE,](#)

[Received on 25-Sep-1995](#)

✓ [Application approved](#)

[Application 94/92860](#)

[INSTALLATION OF NEW SHOP FRONT AND ALTERATIONS](#)

[🏠 64, MARKET PLACE, HECKMONDWIKE,](#)

[Received on 05-Sep-1994](#)

✓ [Application approved](#)

[Application 94/92832](#)

[ERECTION OF 2 NO ILLUMINATED FASCIA SIGNS AND ILLUMINATED PROJECTING SIGN](#)

[🏠 64, MARKET PLACE, HECKMONDWIKE,](#)

[Received on 01-Sep-1994](#)

✓ [Application approved](#)

[Application 94/92576](#)

[CHANGE OF USE FROM A1 RETAIL TO A2 FINANCIAL SERVICES](#)

[🏠 64, MARKET PLACE, HECKMONDWIKE,](#)

[Received on 10-Aug-1994](#)

✓ [Application approved](#)

[Application 91/01093](#)

[CHANGE OF USE FROM CLASS A1 AND A2 TO CLASS A3 \(SHOP TO FOOD AND DRINK\)](#)

[🏠 64, MARKET PLACE, HECKMONDWIKE,](#)

[Received on 05-Mar-1991](#)

✓ [Application approved](#)

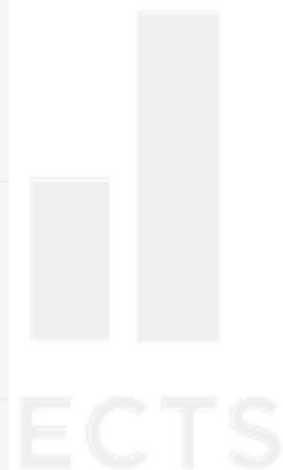
[Application 86/05693](#)

[Change of use from travel agency to](#)

[🏠 64, Market Place, Heckmondwike,](#)

[Received on 18-Dec-1986](#)

✓ [Application approved](#)



Existing Space

The existing site is vacant since year 2021, which was previously owned by a tiling shop – Al Murad. It operated over 40 stores throughout the country for more than 20 years but closed in 2021 due to a fire. The store comprised retail areas with consumer display areas to the Market Place part of the property with delivery areas to the rear on the ground floor of 64 Market Place.

The first floor contained ancillary spaces including store, sanitary accommodation and staff office space, linked by an internal stair. The existing layout is illustrated with the supporting information. Although a change of use application for the conversion of the shop unit to a restaurant (Class A3) has been approved, the use implemented only from year 1991-1994. After year 1994, the shop has always been the Santander Bank then the tiling shop.

The Scheme

Proposals work within the existing envelope to create two apartments at first floor level, 1 of a 1-bedroom apartment and 1 of a 2-bedroom apartment at first floor level. Access is taken from an external door which links to the existing stair flight. The apartment benefits from an internal lobby space which provides separation between living and sleeping spaces. The proposed floor plan has been simplified to ease the application procedure.

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 store closed in 2021 and has remained vacant since.
- (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 unit operated for more than 10 years as Class A1 (Santander Bank and Tiling Shop)
- (c) if the cumulative floor space of the existing building changing use under Class MA exceeds 1,500 square metres
The proposed floor area is ~135 sqm
- (d) if land covered by, or within the curtilage of, the building—
 - (i) is or forms part of a site of special scientific interest;
 - (ii) is or forms part of a listed building or land within its curtilage;
 - (iii) is or forms part of a scheduled monument or land within its curtilage;
 - (iv) is or forms part of a safety hazard area; or
 - (v) is or forms part of a military explosives storage area;The site is not and does not form part of a SSI
The building is not a listed building and is not within the curtilage of a listed building
The site is not and does not contain a scheduled monument.
The site is not and does not form part of a safety hazard 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;

- (ii) an area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981;
- (iii) the Broads;
- (iv) a National Park; or
- (v) a World Heritage Site; The site is not in an area of outstanding natural beauty, The site is not in an area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981,
The site is not in the Broads
The site is not in a National Park
The site is not in 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 occupied under 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 space was ancillary storage/ staff space and Class O does not apply

The Notification Procedure Development under Class MA is permitted subject to Prior Approval from the LPA. For the avoidance of doubt the criteria previously cited have been considered as below:

- (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;

(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, the impact on the local provision of the type of services lost.

- (i) where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building

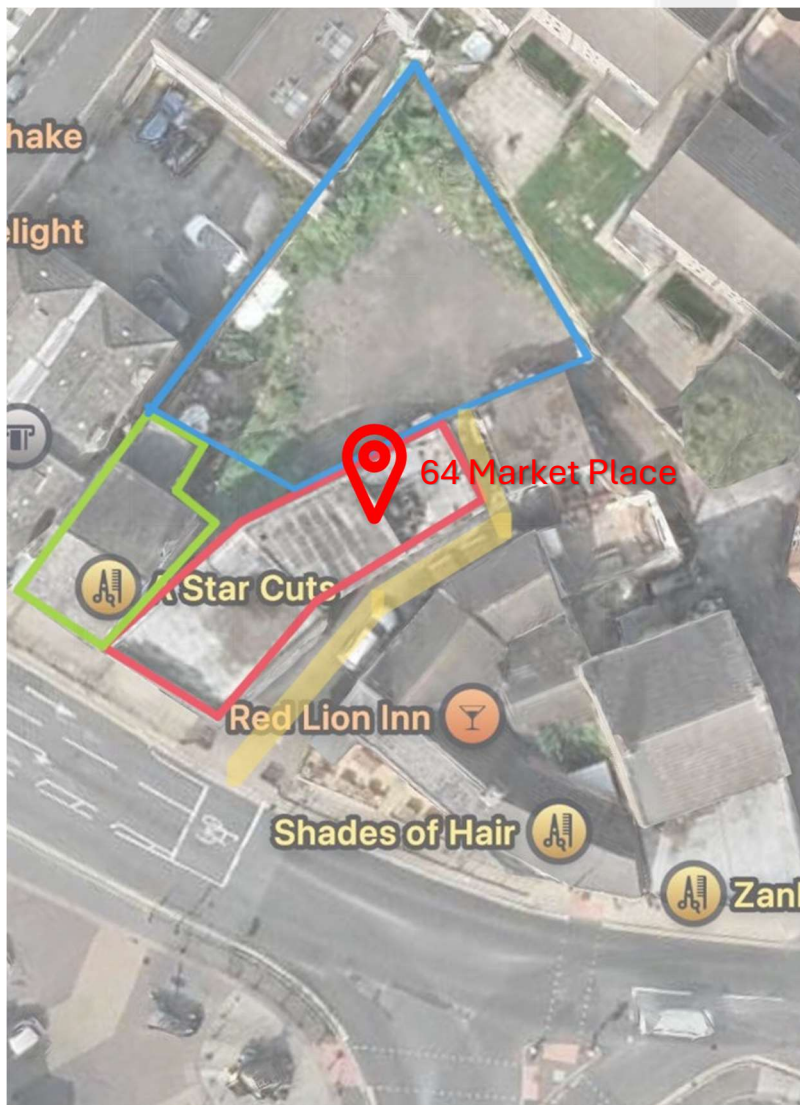
Transport and highways impacts of the development

Dedicated parking is associated with the change of use at the rear of the building. The unit next door belongs to the same client therefore both units can share the allocated parking space at the rear yard. The site is located in Heckmondwike Town Centre with excellent transport links via A638 to Dewsbury and the M62. The site is also located 2 minutes' walk away from the Heckmondwike Bus station. Northern Rail services to Leeds and Manchester are available via Dewsbury, Ravensthorpe and Mirfield Stations which are approximately 3km away.

A plan has been provided to illustrate space for refuse/recycling at the rear yard of the building.

- **Red line** represents the site (**64 Market Place**)
- Property in **Green line** belongs to the **same client** so as the rear yard
- **Blue line** will be **designated car park** and **bin yard**.

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



Contamination risks in relation to the building

The application space is at first floor and has been used for office accommodation and there not considered to be any significant contamination risk.

Flooding risks in relation to the building

The site is within Flood Zone 1 with less than 1 in 1000 annual probability of flooding. It is opined that there are no undue flooring risk.

Noise in relation to the building

Measures to upgrade the existing floor construction have been discussed to achieve 43 DnTw (Ctr) dB and Max 64 L'nTw dB however:

- 22mm thick floor grade T&G floor boards glued joints only
- Existing first floor is concrete slab, any penetrations acoustically sealed
 - o Concrete slab is greater than 150mm, therefore sufficient to provide airborne sound insulation.
 - o Void present between ground floor suspended ceiling and first floor
- Acoustic Resilient layer above the concrete slab to achieve impact sound insulation. (Specific product type to be agreed)
- Partitions between two flats consists of 2 layers of fireboard on each side and rockwool in between to achieve sound insulation among the two apartments.
- All broken windows replaced to uPVC windows which can reduce vibrations and sound transmission which also provided tight sealant between the frame and the window to ensure no sound penetration.

The above specification benefits from the ceiling below and the first floor being acoustically sound and it has been confirmed there are no proposals to amend this.

Acoustic testing will be undertaken pre-occupation.

Conservation Area

The building is not located within a conservation area.

Provision of adequate natural light

Each habitable space benefits from an existing window.

Industrial Use

The area next to the site is retail frontage to Market Place, behind the site is residential area and there is no general or heavy industry in the vicinity.

Critical Services

The space currently supports the previous retail use at ground floor and no critical services will be displaced.

Fire Risk

The building currently conforms to ADB of the Building Regulations and is not considered to be high rise building.

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).

