WILSON ARCHITECTS

Full Planning Application for Change of Use to 6 Bedroom HMO

28 Market Street, Heanor, DE75 7NR

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1. Introduction

This Planning, Design and Access Statement has been prepared in support of a full planning application at 28 Market Street, Heanor, DE75 7NR. The application seeks permission for the change of use of the rear part of the first floor to form a 6-bedroom House in Multiple Occupation within Use Class Sui Generis, together with five new side-facing window openings and associated access, cycle and refuse arrangements.

The ground floor will remain in commercial use within Use Class E. The proposed HMO would be accessed independently from the rear of the building using an existing rear doorway, maintaining a clear functional separation between the residential and commercial elements of the property.

The wider building has an established mixed-use planning context. Prior approval was granted on 10 September 2026 under reference PDR/2026/0027 for the conversion of part of the first and second floors to four one-bedroom flats. The current proposal relates to a separate area of first-floor accommodation to the rear and complements the approved residential use of the upper floors.

The application is accompanied by the following drawings:

- 26014-P-001 – Site Location Plan
- 26014-P-010 – Existing Floor Plans
- 26014-P-020 – Existing Elevations
- 26014-P-101 – Proposed Site Layout
- 26014-P-210B – Proposed HMO Floor Plans
- 26014-P-220 – Proposed HMO Elevations

The purpose of this statement is to explain the proposal, assess the quality of the accommodation and its relationship with the surrounding area, and demonstrate compliance with the relevant development plan and national planning policy.

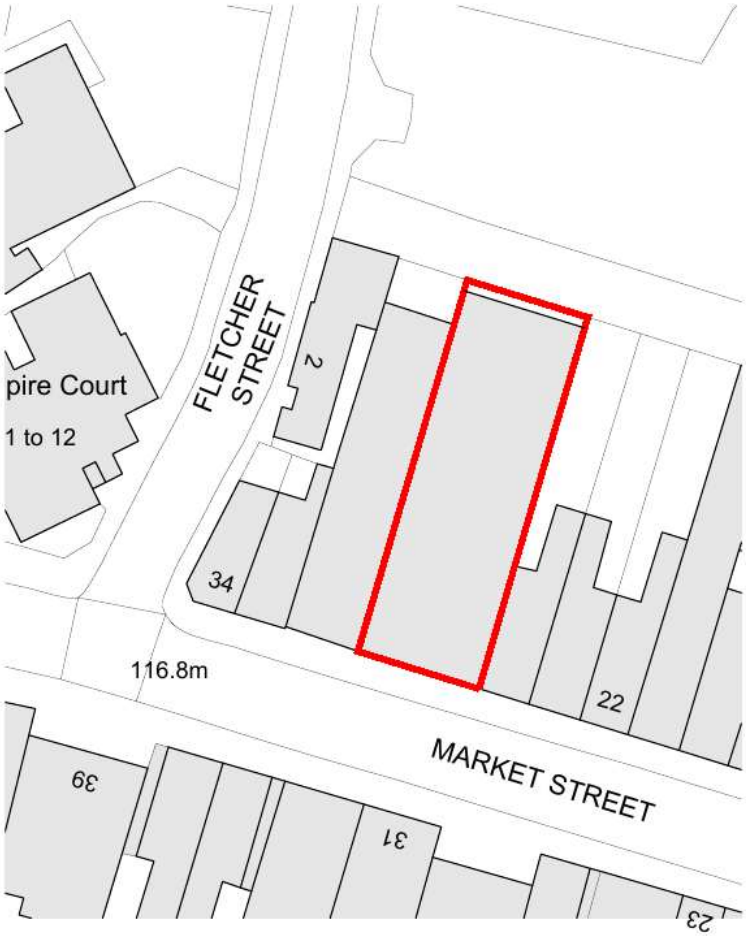
2. Site Assessment

Physical Context

The application site occupies a substantial commercial building on the north side of Market Street in central Heanor. The building extends through the depth of the plot towards the rear service area and sits within an established town-centre environment characterised by a mixture of shops, commercial premises, upper-floor residential accommodation and other town-centre uses.

The property fronts Market Street, with Fletcher Street located immediately to the west. The existing building is already capable of accommodating a mixture of uses across different floors, and the proposed HMO would occupy only the rear portion of the first floor. The ground floor remains commercial.

The site is centrally located and benefits from immediate access to shops, services, employment opportunities and public transport. This location is therefore particularly suitable for a form of residential accommodation that does not rely upon private car ownership.



Site Location Plan

Social and Functional Context

The proposal would introduce additional residential accommodation into an existing town-centre building while retaining the commercial use at ground floor. This is consistent with the mixed-use nature of Market Street and helps make effective use of under-utilised upper-floor accommodation without displacing an active ground-floor commercial use.

The HMO would be professionally managed by a local HMO management agency. The management arrangements would include tenant selection, routine property management, maintenance and oversight of waste and general occupation. This provides an appropriate management structure for a small town-centre HMO.

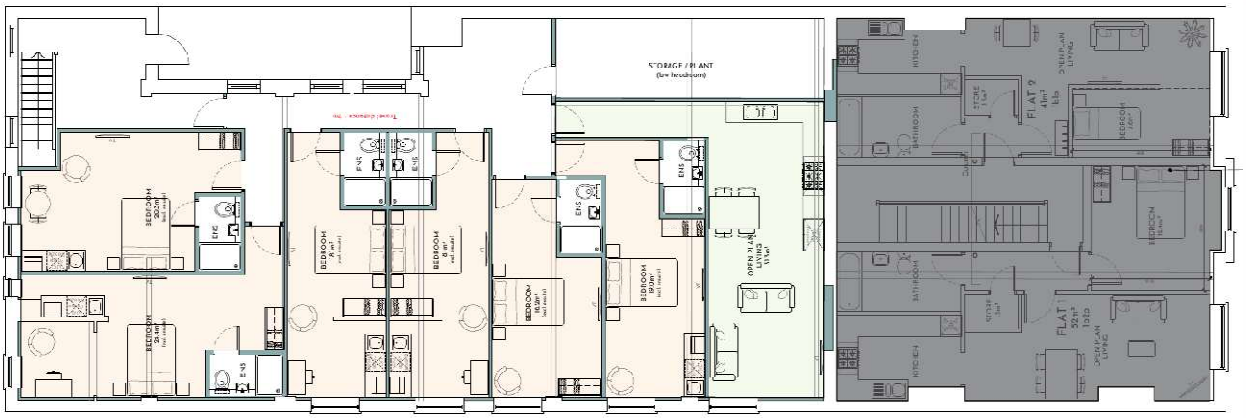
3. Planning History

The most relevant recent planning decision is prior approval reference PDR/2026/0027, granted by Amber Valley Borough Council on 10 September 2026. That decision approved the conversion of part of the first and second floors into four one-bedroom flats, including a new stairwell, under Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

The prior approval confirms the acceptability in principle of introducing residential accommodation into the upper parts of the building. The approved drawings under that decision comprise the site location plan, proposed first and second floor plans and proposed elevations. The decision also records that the building lies within the town centre and that future residents should expect a reasonable degree of disturbance associated with established town-centre activity.

The present application does not seek to revisit the approved four-flat scheme. Those areas are shown hatched on the submitted plans and remain separate from the proposed HMO. Instead, the application seeks to bring a further, currently non-residential rear first-floor area into beneficial residential use.

4. Proposed Development



Proposed Floor Plans – HMO accommodation shown at first floor

Standard of Accommodation

The proposed accommodation is spacious for a six-bedroom HMO. All six bedrooms are materially larger than the statutory minimum bedroom sizes applicable to licensable HMOs and several include en-suite facilities. In addition, the 31.3 m² communal living area provides a meaningful shared space for residents rather than relying upon bedrooms as the sole living environment.

The layout therefore provides an appropriate balance of private and communal accommodation. The central location also enables residents to access day-to-day services and social facilities without dependence on a private vehicle.

Neighbouring Amenity and New Windows

The five proposed side-facing windows look towards a neighbouring commercial yard. That yard also provides access to neighbouring upper-floor flats, but the proposed openings do not directly face private residential garden areas or opposing habitable-room windows. Given the commercial nature of the intervening space and the orientation of the openings, the proposal would not create an unacceptable overlooking or privacy relationship.

The proposal does not involve any increase in building height, bulk or massing. The external works are limited principally to the new window openings and replacement glazing, and therefore the visual and amenity effects of the development are modest.

Management

The HMO will be managed by a local specialist HMO management agency. Professional management will provide a clear point of responsibility for tenant selection, maintenance, refuse arrangements and the day-to-day operation of the property. This is an important safeguard in ensuring that the use remains compatible with the surrounding town-centre environment.

5. Highways, Parking, Cycle and Waste

Parking and Sustainable Travel

No dedicated off-street car parking is proposed. This is considered appropriate in the particular circumstances of the site. The property lies within Heanor town centre, immediately accessible to shops, services, employment and public transport, and therefore represents a location where reliance on the private car can reasonably be reduced.

The previous prior approval for four flats at the same property has already established the principle of residential occupation within the upper floors of this centrally located building. The Council also expressly noted in that decision that the site is within the town centre, reinforcing the urban and mixed-use character of the location.

The proposal is for a small HMO rather than a large-scale residential development. Any additional travel demand would therefore be limited. In accordance with national planning policy, highway considerations should be assessed proportionately and in the context of the highly accessible location.

Cycle Parking

Secure cycle storage for six bicycles will be provided at ground-floor level adjacent to the rear HMO entrance using a two-tier cycle rack system. This provides one secure cycle space per bedroom and materially supports non-car travel.

Waste and Recycling

Dedicated waste and recycling storage is identified at ground-floor level close to the rear access. The arrangement allows bins to be stored away from the principal Market Street frontage and provides a practical managed solution for collection.

6. Open Space and Local Amenity

The proposal does not include private outdoor amenity space. This reflects the existing physical constraints of the town-centre building and should be considered in the context of the type and location of the accommodation proposed.

Residents would benefit from immediate access to the facilities of Heanor town centre and public open space within walking distance. Heanor Memorial Park is located close to the town centre and provides established public recreational space, while the wider area also benefits from access to larger areas of green infrastructure including Shipley Country Park.

In this context, and having regard to the generous internal accommodation and 31.3 m² communal living area, the absence of private external amenity space would not result in an unacceptable standard of accommodation.

8. Relevant Planning Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. The principal development plan document is the Amber Valley Borough Local Plan 2022–2040, adopted on 2 March 2026. The National Planning Policy Framework, published on 17 August 2026, is also a material consideration.

Amber Valley Borough Local Plan 2022–2040

Policy SS4:

Other Locations to Support Economic Growth identifies Heanor as one of the Borough's four town centres and supports development that maintains and enhances town-centre vitality, positively contributes to a mix and diversity of uses, supports the appropriate re-use or regeneration of land and premises, and maintains or enhances the built environment.

The proposal accords with those objectives. It retains the commercial ground-floor use while making beneficial use of existing upper-floor accommodation for residential purposes. It therefore supports a mixed-use town centre without undermining the commercial function of the Market Street frontage.

Policy SS5:

Development in Town Centres supports a range of town-centre uses and expressly recognises residential accommodation at upper-floor level. Although the proposed HMO falls within Use Class Sui Generis rather than C3, the underlying land-use principle is directly relevant; residential use of upper floors can support town-centre vitality and make efficient use of existing buildings where access and amenity are satisfactory.

Policy EN15:

Quality and Design of Development requires high-quality development that responds to context, protects residential amenity, makes effective use of previously developed land, supports active travel and provides adequate recycling storage. The proposal is consistent with these objectives. It reuses existing floorspace, introduces only modest external alterations, provides generous internal accommodation and dedicated cycle and waste facilities, and does not create harmful overlooking.

Policy IN1:

Transport requires development to promote sustainable and inclusive access, including walking and cycling, and to avoid unacceptable effects on local traffic and parking arrangements. The highly accessible town-centre location and provision of six secure cycle spaces support compliance with this policy. The scale of the proposed HMO is modest and is not expected to generate a material adverse effect on the highway network.

National Planning Policy Framework

The National Planning Policy Framework supports sustainable development, efficient use of existing land and buildings, mixed and vibrant centres, high-quality design and sustainable transport. The Framework also requires decision-making on transport impacts to be proportionate and focused on unacceptable highway safety effects or severe residual cumulative impacts.

The proposal aligns with those principles by reusing existing upper-floor accommodation in a central location, retaining commercial activity at ground floor, supporting walking and cycling, and delivering additional housing choice without substantial new built form.

9. Planning Balance and Conclusion

The proposed development represents a logical and sustainable reuse of existing upper-floor accommodation within Heanor town centre. The key considerations in favour of the scheme are:

- The ground-floor Class E commercial use is retained, preserving an active town-centre commercial function.
- Prior approval has already been granted for four one-bedroom flats within other parts of the first and second floors, establishing the acceptability in principle of residential occupation within the upper levels of the building.
- The HMO provides six generous bedrooms together with a 31.3 m² communal living area and a clear professional management structure.
- The HMO has a dedicated rear residential entrance, independent from the commercial access.
- Five new side-facing windows provide natural light and outlook without creating an unacceptable privacy relationship, as they face a neighbouring commercial yard rather than opposing residential habitable rooms.
- The site is in a highly accessible town-centre location where residents can reasonably rely on walking, cycling and public transport.
- Six secure cycle spaces are proposed using a two-tier rack system.
- Waste and recycling can be stored securely to the rear away from the Market Street frontage.
- Although no private external amenity space is available, the internal accommodation is generous and established public open space is available within walking distance.

Taken as a whole, the proposal would make efficient use of an existing building, broaden the range of residential accommodation available in Heanor and support the mixed-use role of the town centre. The development would not materially harm neighbouring amenity, highway safety or the character of the building and would accord with the relevant objectives of the Amber Valley Borough Local Plan 2022-2040 and National Planning Policy. Planning permission should therefore be granted.