HUNTINGDONSHIRE DISTRICT COUNCIL

25/00610/PRI031

OFFICER REPORT

Case No: **25/00610/PRI031** **Pr Ap. COU Comm/Bus/Serv to Dwellinghous**

Proposal: **Change of use of second floor to two self contained flats.**

Location: **Royal Papworth House 10 Spitfire Close Huntingdon**

Applicant: **George Akinwumi**

Grid Ref: **522859 273380**

DESCRIPTION OF SITE AND APPLICATION

This application seeks to determine whether prior approval is required of the local planning authority concerning the change of use from Class E (Commercial, Business and Service Buildings) to a use Class within Class C3 (Dwellinghouses) of the of the Town and Country Planning Use Classes Order 1987 as amended.

As per the Town and Country Planning (General Permitted Development) Order 2015 (as amended), the proposal submitted is deemed permitted development by Schedule 2, Part 3, Class MA, subject to various limitations and conditions. One of the conditions stipulates that the applicant must apply to the Local Planning Authority (LPA) for a determination as to whether the prior approval of the authority will be required in regard to the following matters:

(a)transport and highways 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 dwellinghouses;
(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 and
(i) where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building.

Prior to assessing the application to determine whether prior approval is required, the preceding section of this report assesses the application against the limitations and conditions set out in Class MA. The LPA are required to assess this application as if they were assessing a planning application per paragraph W 10 (b) of Class 3.

This application relates to the top (second) floor only of a three storey office known as Justinian House within the Ermine Business Park on Spitfire Close Huntingdon. The three-storey L-shaped building has a mixed pitched roof, flat roof and hipped roof measuring approximately 12 metres to

the ridge at the highest part (allowing for the slight change in levels) constructed in brick with glazing on all levels, mostly to the first and second floors. To the front and northern and southern sides of the building are areas of hardstanding which offers the former office use with parking. The site is surrounded by Class E business, commercial and service uses which are of similar character and appearance to the application site.

The closest residential dwelling to the site appears to be approximately 100 metres south east on the same business park which was approved in April 2025 for a conversion from office to dwelling (25/01313/PRI031).

The site is located within Flood Zone 1 per Environment Agency Flood Risk Mapping and Huntingdonshire Strategic Flood Risk Assessment 2024. The site is not located within any Conservation Area (CA), nor is the site located within the setting of a listed building and no ecological or legally protected tree designations are within or in proximity to the application site.

The applicants seek to convert the second (top) second floor into two self-contained dwellings from its existing office use with associated parking with no private amenity space garden proposed. No external alterations to the building are required as part of the change of use and the existing approximate 21 vehicle spaces would be retained.

Officers have scrutinised the plans and have familiarised themselves with the site and surrounding area.

NATIONAL GUIDANCE

The National Planning Policy Framework (12th December 2024) (NPPF 2024) sets out the three objectives - economic, social and environmental - of the planning system to contribute to the achievement of sustainable development. The NPPF 2024 at paragraph 10 provides as follows: 'So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11).'

The NPPF 2024 sets out the Government's planning policies for (amongst other things):
* delivering a sufficient supply of homes;
* building a strong, competitive economy;
* achieving well-designed, beautiful and safe places;
* conserving and enhancing the natural, built and historic environment.

Planning Practice Guidance and the National Design Guide 2021 are also relevant and material considerations.

For full details visit the government website: https://www.gov.uk

PLANNING POLICIES

Huntingdonshire's Local Plan to 2036 (May 2019)

LP14: Amenity
LP16: Sustainable Travel
LP17: Parking Provision and Vehicle Movement
LP21: Town Centre Vitality and Viability
LP22: Local Services and Community Facilities
LP37: Ground Contamination and Groundwater Pollution

Local policies are viewable at https://www.huntingdonshire.gov.uk

Supplementary Planning Documents/ Guidance

Huntingdonshire Strategic Flood Risk Assessment 2024

RELEVANT PLANNING HISTORY

8800658FUL for Erect new offices, PERMITTED 18.07.1988

8801618OUT for Erect offices, PERMITTED 27.09.1988

0601717FUL for Installation of security fence and creation of two additional car parking spaces, REFUSED 10.07.2006

0603942FUL for Erection of fencing, PERMITTED 11.05.2007

23/02345/P3JPA for Conversion of building to 24no dwelling units, REFUSED 02.02.2024.

24/01384/FUL for Change of use of part of Justinian House to a place of worship and office space. PERMITTED 11.12.2024

CONSULTATIONS

Environment Health - Overall no objection. Full comments:

"The plans are slightly confusing. I assume the layout etc will be covered by Building Regulations. The surrounding land uses appear to be offices. I can see some external plant on the building, but this looks to be located at low level. I therefore have no objection to raise."

Cambridgeshire County Highways - Overall no objection. Full comments:

Following a review of the documents provided to the Highway Authority as part of the above planning application I have noted that no significant adverse effect upon the Public Highway should result from this proposal, should it gain benefit of Planning Permission."

REPRESENTATIONS

No representations received in support or objection at the time of determination.

SUMMARY OF ISSUES

As set out in Class MA of the GDPO, the Local Planning Authority (LPA) must only consider matters outlined in section MA.2. parts A to 1 as the case for the application states the planning permission is not required and as such the proposal is considered permitted development. Matters to be considered are listed in the 'Description of Site and Application' section of this report. Should the LPA be satisfied that the proposal is considered permitted development under Class MA, then LPA Officers may only assess matters for which prior approval might be required. Therefore, only development plan policies and national policies relevant to these issues must be balanced along with material considerations which also relate to the specific issues. With this type of application, the LPA are not considering weather planning permission is sought to be granted as in effect Class MA may grant the planning permission, subject to the conditions and limitations set out in Class MA are met.

Is the Proposal Permitted Development?

Class MA. 1
MA.1.— (1) 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;

Officer assessment: Officer investigation of previous uses on the site (including the recent 24/01384/FUL application to convert the ground floor into a place of worship) confirm that the second floor has remained officer space for at least 2 years prior to the date of the application as Class E (commercial, business and service) use.

(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;

Officer assessment: Compliant. The land covered by the site does not form part of the list comprised of parts i-v of part d as set out above.

(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;

Officer assessment: Compliant. The building is not located within any area listed in section (e) as detailed in the submitted application form and according to Local Authority Mapping.

(f)if the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained; or

Officer assessment: Compliant. The site is not under agricultural use as confirmed by the submitted application form which confirms that the building its associated curtilage is not under an agricultural tenancy agreement.

(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. (Essentially no removal of these permitted development rights by the LPA)

Officer assessment: Compliant. There is no Article 4 direction in place which has removed specific permitted development rights on the site.

Conditions
MA.2.— (1) Development under Class MA is permitted subject to the following conditions.

(2) Before beginning development under Class MA, the developer must apply to the local planning authority for a determination as to whether prior approval of the authority will be required as to the issues set out below:

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

Officer assessment: The application site is to the south of Ermine Business Park and is approximately 3 minutes walk to the nearest bus stop serving Ermine Business Park to Huntingdon town centre and train station to allow future occupants to access the town's facilities and services via walking, cycling and vehicle use. The vehicular access to the site has already been established for as parking for the former office providing approximately 21 car spaces are provided as well as room for cycle storage.

Cambridgeshire County Council have been consulted on the application as the Local Highways Authority and raise no concerns relating to highway safety. Furthermore, officers note that the site does meet a footpath approximately 20m north of the site access where a pavement is located and provides footpath access to the adopted highway. Given this and the site has an established use as offices where employees would be reasonably expected to visit the site on foot, it is considered that the site access is appropriate in terms of safety in this instance and would accord with Local Plan Policy LP17.

(b)contamination risks in relation to the building;

Officer assessment: The accompanying application form states there are no contamination risks at the property. Notwithstanding this, the Councils Environmental Health Officer was consulted as part of the application who raises no objection to the development proposal. Therefore, the proposed development accords with Policy LP37 of the Local Plan.

(c)flooding risks in relation to the building;

Officer assessment: The application site is located within Flood Zone 1 and at lowest risk from river and sea flooding. According to the latest SFRA (2017) the site is at no risk at ground and surface water flooding. The proposed residential dwelling on this site would not be at an unacceptable risk from flooding from all sources. Officers consider the application to be acceptable with regard to its approach to flood risk and therefore accords with Policy LP5 of the Local Plan.

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

Officer assessment: The site is located within and surrounded by predominantly Class E i uses (offices) with residential uses approximately 100 metres to the south east. Therefore, the future occupants of the development would not be significantly impacted by commercial and industrial noise. Additionally, the Environmental Health Officer was consulted as part of this application and raises no objection to the development proposal in terms of impacts of noise from commercial premises on the intended occupiers of the development. The proposal is consequently compliant with Local Plan Policy LP 14.

(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;

Officer assessment: Not applicable. The building is not located in a conservation area.

(f)the provision of adequate natural light in all habitable rooms of the dwellinghouses;

Officer assessment: The application is accompanied with proposed floor plans (drawing ref 6). The floor plans demonstrate each habitable room would be serviced with a window which would offer an adequate level of natural light into the building. The proposal is considered to accord with Class MA2 - part 2 (f) in terms of the provision of adequate natural light to all habitable rooms.

(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

Officer assessment: Not applicable to this site or this proposal.

(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.

Officer assessment: Compliant. The building subject of this application is not presently used as a registered nursery nor is the building used as a health centre facility maintained by the National Health Service. Local NHS services would not be lost should the proposed change of use be permitted development.

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

Officer assessment: The proposed change of use is not located within a building which is 18 meters or more in height and/or contains 7 or more stories.

OTHER MATTERS

Paragraph W part (bc) of Schedule 2 Part 3 of the GDPO (amongst other matters addressed in the preceding sections of this report) states that a floor plan indicating the total floorspace in square metres of each dwellinghouse, the dimensions and proposed use of each room, the position and dimensions of windows, doors and walls and the elevations of the dwellinghouse should be provided.

The proposed accommodation comprises 2 nos. x 2 bedroom- 2-person unit. The 70 m2 floorspace required for 2 person dwellings is exceeded and therefore accords with the DCLG Technical Housing Standards - Nationally Described Space Standards. Officers are satisfied the proposed dwellings would meet the residential standards stated in Nationally Described Space Standards and Officers are sufficiently satisfied that a high level of residential amenity for occupiers of the development would be achieved.

CONCLUSION

There are no other material planning considerations which have a significant bearing on the determination of this application.

Having regard to applicable national and local planning policies, and having taken all relevant material considerations into account, it is therefore recommended that prior approval is required and granted subject to the conditions set out in Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

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CONTACT OFFICER:
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