HUNTINGDONSHIRE DISTRICT COUNCIL

25/00463/PRI031

OFFICER REPORT

Case No: **25/00463/PRI031** **Pr Ap. COU Comm/Bus/Serv to Dwellinghous**

Proposal: **Change of use of a former children's nursery (Class E (f)) to 1no. dwellinghouse (Class C3).**

Location: **2 The Brow Huntingdon PE29 3RA**

Applicant: **Cambridgeshire Fire And Rescue**

Grid Ref: **524303 271824**

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 a semi-attached two storey building located on a footway named The Brow off sited between Montagu Road to the south and Nursery Road to the north within the

built-up area of Huntingdon where a row of residential dwellings are sited. The building was originally a C3 dwelling until 2018 when permission was given by the Local Planning Authority to change it to a creche / childcare facility.

The building has a hipped roof with a single storey porch to the side. The site has residential uses to the north and south which are of similar character and appearance to the application site while commercial uses (including a now defunct fire station) are to the east and west.

The site lies within Flood Zone 3 and has a high risk of surface water flooding as per the most recent Environment Agency Flood Risk Maps and Data and is in Flood Zone 2 and at a risk of both surface and groundwater flooding according to the Huntingdonshire Strategic Flood Risk Assessment (2024).

The site is located the Huntingdon Conservation Area (CA) but is not located within the setting of any listed building.

The applicants seek to convert the existing building into a single independent residential unit with no associated parking with private amenity space garden proposed. No external alterations to the building are required as part of the change of use.

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)

LP5: Flood Risk
LP14: Amenity
LP16: Sustainable Travel
LP17: Parking Provision and Vehicle Movement
LP21: Town Centre Vitality and Viability
LP22: Local Services and Community Facilities
LP34: Heritage Assets
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

18/00261/FUL for Change of use of the property from a dwelling (C3) to a crèche/childcare facility (D1), PERMITTED 18.09.2018.

CONSULTATIONS

Environment Health - No objection, subject to a condition to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with the National Planning Policy Framework.

Cambridgeshire County Highways - No objection. Full comments:

"The Highway Authority does not consider that this application will have any significant adverse impact upon the operation of the highway network and raises no objection to the proposed change of use."

Environment Agency - No response.

County Council Children's Services - No response.

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 whether 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 being 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 and the submitted planning statement confirm the proposal accords as the last known use for at least 2 years prior to the date of the application was Class E (commercial, business and service) use. The submitted application form also confirms this 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 is not and does not form part of the list comprised of i-v of section (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 and 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 on a footpath connecting Nursery Road to the north and Montagu Road to the south and is located in Huntingdon town centre where services and public transport links are accessible by foot, thus allowing future occupants to access the town's

facilities and services via walking, cycling and vehicle use. There is no vehicular access to the site, however this situation has already been established as prior to the change of use into a Class E(f) use, the building was originally a use class C3 dwelling. Surrounding roads are subject to a parking permit and residents would qualify for this permit to allow for residential parking in the vicinity.

Cambridgeshire County Council have been consulted on the application as the Local Highways Authority and raise no concerns relating to highway safety. Given that the site has an established use where users of the site have always reached the building by foot or bicyle, 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 contamination risks at the property. Subsequently a Phase 1 Geo-Environmental Desk Study by EPS dated 12th February 2025 which identifies minor risks of contamination in terms of shallow soils and lead. The Councils Environmental Health Officer was consulted as part of the application and raises no objection to the development proposal subject to a contamination condition to safeguard future users and neighbours from risks from land contamination are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with the National Planning Policy Framework. With this condition appended to any consent given to the application, it is considered that the proposal would accord with policies LP14 and LP37 of the Local Plan and the aims and objectives of the National Planning Policy Framework.

(c)flooding risks in relation to the building;

Officer assessment: The site lies within Flood Zone 3 and has a high risk of surface water flooding as per the most recent Environment Agency Flood Risk Maps and Data and is in Flood Zone 2 and at a risk of both surface and groundwater flooding according to the Huntingdonshire Strategic Flood Risk Assessment (2024). The NPPF (2024) advises that developments for change of use should not be subject to the sequential or exception tests though should still meet the requirements for site specific flood risk assessments. Subsequently a flood risk assessment accompanies the application, and the Environment Agency were consulted (though no representations have been received at the time of determination). The submitted Flood Risk Assessment (FRA) notes that in the 1 in 1000-year flood event, a flood depth of 9.46m AOD is observed at the entrance to the dwelling but this is just 80mm above the lowest entrance point, so there is safe access and egress and proposes mitigation measures in part 5 including residents are signed up to the EA flood warning and alert services. It is noted that the site originally served as a residential dwelling and the proposal would revert back to this use.

Therefore, it is considered that on balance, when regard is given to the existing use and the surroundings (within the town centre and not within an isolated location) the development is considered to be acceptable with regard to its approach to flood risk and therefore accords with Policy LP5 of the Local Plan to 2036.

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

Officer assessment: The site is located within proximity to other Class E i uses (offices) and a defunct fire station with residential uses both to the north and south.

Overall, it is considered that 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: The building is located in Huntingdon Conservation Area and would revert to its original use as a residential dwelling whith no external changes proposed. Local and national planning policy and legislation requires planning authorities to have full regard on impact to designated heritage assets. In this case it is considered that the proposal would cause no harm to the wider Huntingdon Conservation Area and is subsequently in accordance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Section 16 of the 2024 NPPF and Local Plan Policy LP34.

(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 03, received by the Local Planning Authority on 10.3.25). 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. While the Children's Services consultation response has not been received at the time of determination, the building subject of this application is a former registered nursery which was approved by the Local Planning Authority in 2018. The applicant has confirmed within their planning statement that the nursery principally gave provision for the now defunct fire station and has now moved premises in October 2022 within St. Johns CofE Primary School in Huntingdon. Given the scale of the business and that it has not operated for over two years with provision being retained albeit at a different site in Huntingdon, the proposed change of use to residential is considered acceptable.

(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.

Although the proposal fails to include the all the dimensions required, the submitted drawing Proposed Plans DWG 03 is to scale and as a result provides the dimensions required by paragraph W (BC) and thus accords with this paragraph.

The proposed accommodation comprises a three bedroom- 5-person unit with a gross internal area (GIA) of 97.6m2. The required 93m2 GIA floorspace would be exceeded and would subsequently accord with the DCLG Technical Housing Standards - Nationally Described Space Standards. Officers are satisfied the proposed dwelling 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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