OFFICER REPORT

Case No: 25/00609/P3JPA **Prior Approval Office to Dwellings**

Proposal: Change of use to dwelling, changes to windows and internal alterations (Unit 2)

Location: Office Between The Old Piggery And Unit 3 Fen Road Pidley

Applicant:

Grid Ref: 533039 278215

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 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,

(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.

(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 to consider whether the proposal is permitted devlopment. 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 Unit 2 situated between The Old Piggery and Unit 3, accessed off Fen Road, Pidley. The single storey rectangular shaped building is attached to Units 1 and 3, clad with

black timber and has orange rooftiles. To the front of the building is an area of hardstanding which offered the former office employees with parking. The site is surrounded by mixed use development comprising of light industrial and residential development. The closest residential dwelling to the former office is approximately 35m northeast.

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 at risk from any other source of flooding. The site is not located within a Conservation Area (CA), the setting of a listed building and there are no ecological designations are within or in proximity to the application site.

The applicants seek to convert the single storey office to a 1-bedroom residential unit with associated parking. The existing parking area to the front of the building would form a communal space for parking, bike and bin storage. As part of the change of use minor alterations to the building are sought include extending the window opening on the rear elevation.

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
LP34: Heritage Assets and their Settings
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

The most relevant planning history relating to Unit 2 is detailed below:

16/01429/S73-Variation of condition 8 on Application Reference Number: 0301021FUL Date of Decision: 27/06/2003 to extend the opening hours and working days.- Permitted 28.02.2017

The most relevant planning history associated with the wider site:
Units 3 and 4
25/00582/P3JPA- Change of use to dwelling, changes to windows and internal alterations (Units 3 and 4) - Pending consideration

Unit 5
1400897PACOU- Prior approval of a proposed change of use of building from office (B1) to residential (3 units) - Prior approval COU Not Required 17.07.2014

Other applications on the wider site
0703928FUL- Erection of a storage building- Permitted 28.01.2008
0301021FUL-Extension to approved industrial building (B1)- Permitted 27.06.2003
0102548FUL- Extension to approved industrial building (B1)- Refused 26.02.2002
0100949FUL- Retention of replacement industrial building- Permitted

Applications on the adjacent site
20/00093/FUL-Expansion of an existing industrial estate to include construction of a B1-industrial unit (light industrial) and replacement hardstanding-Refused14.06.2021
0301021FUL-Extension to approved industrial building (B1)-Permitted 27.06.2003

CONSULTATIONS
Environmental Health Officer-No Objection. The Officer does however raise concerns about land contamination, noise and odour due to the adjoining industrial units and the former use of the land as industrial. The Officer recommends the imposition of a land contamination condition should the development be permitted. In regard to odour, under an application Class MA, Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) the Local Planning Authority can only consider matters as detailed in the conditions (paragraph MA.2), of which odour is not a planning matter to be considered.

Due to the surrounding land uses it is recommended that a condition is imposed on any consent to ensure a noise assessment for internal noise levels and any associated noise mitigation measures are carried out.

Cambridgeshire County Council Highways - No objection. The application is for change of use from a commercial building to a dwelling. The dwelling will use existing parking and access onto the highway. The Local Highway Authority raises no objections to the proposed development.

Parish Council- No comment at the time of determination.

REPRESENTATIONS
No third-party 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: Compliant. Submitted application form details confirm the proposal accords. Paragraph 4a. confirms the Commercial, Business and Service Use (Class E) of the building immediately prior to the application was used for a period of at least 2 years.

(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 application site is not within SSSI, not a listed building or scheduled monument or within the curtilage of, is or forms part of a safety hazard area or military explosive 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(3);
(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 submitted application form 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. As detailed in section 4b of the submitted application form 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 located in the village of Pidley and in proximity for future occupants to access the villages facilities and services via walking, cycling and vehicle use. A bus stop offering services to larger settlements with a broader range of services/facilities can be accessed from the application site by foot. The vehicular access to the site has already been established as parking for the former office.

Cambridgeshire County Council have been consulted on the application as the Local Highways Authority. The Officer noted the application is for the change of use of a commercial building to a dwelling and the dwelling would use existing parking and access onto the highway. As such the Local Highway Authority raised no objection to the proposed development and considered that no significant adverse effect upon the Public Highway should result from this proposal.

The application was supported with a site layout which demonstrates the proposal would provide a communal space for vehicle parking, however space allocation has not been demarcated on the submitted block plan. Given HDC does not have a parking policy stipulating the number of vehicle parking spaces to the number of bedrooms, Officers are satisfied the proposed dwellinghouse would have access to at least one vehicle parking space which is considered sufficient for a one-bedroom dwelling.

The submitted site plan (dwg ref 2187/6) denotes a location for communal cycle storage to the front of the building comprising of 2non. Sheffield bike stands. proposals for new residential dwellings will be expected to provide at least one clearly identified secure cycle space per bedroom, as per Local Plan Policy LP17. The proposed cycle storage is therefore considered to accord with Policy LP17 of the Huntingdonshire Local Plan to 2036.

(b)contamination risks in relation to the building;

Officer assessment: The accompanying application form states there are no contamination risks at the former office. Notwithstanding this, the Councils Environmental Health Officer was consulted as part of the application and raised concerns in relation to contamination given the proximity of the building to adjoining industrial units and the former use of the land as industrial. Subject to the imposition of a condition seeking the details of a land contamination assessment as recommended by the Environmental Health Officer, the application is considered to accord with Policy LP37 of the Huntingdonshire Local Plan to 2036.

(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 (2024) the site is not susceptible to 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 a mixed-use area, comprising primarily of residential development and the adjacent light industrial use, and therefore the Councils Environmental Health Officer was consulted as part of the application given the future occupants of the development may be impacted by commercial noise. The Officer raised concerns regarding the noise impacts associated with the proposed use and the existing use of the adjacent building.

The building to the west of the application site is a light industrial metal fabrication warehouse. Notwithstanding this, the Officer did however note that the Council have not received any noise complaints from the residential dwellings surrounding the metal fabrication building.

The Environmental Health Officer raised concerns about future occupants being exposed to unacceptable levels of external noise from the use of the adjacent sheet metal factory, particularly in the rear garden. Whilst it is acknowledged that the redline boundary incorporates an area to the rear of the building which maybe used as rear amenity space and occupants of the converted dwelling maybe exposed to external noise impacts, the proposed floor plans/elevations do not include an access door through to the rear of the dwelling. There is also no requirement under Class MA of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) for private residential amenity space to be provided under the change of use. Officers in this instance consider the area to the rear of the building to be communal space whereby external noise impacts are not of significant concern.

Given there are no restrictions on the hours of operation at the adjacent metal fabrication warehouse, it is recommended that a condition is imposed on any consent to ensure a noise assessment for internal noise levels and any associated noise mitigation measures are carried out.

(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 2187/9). The floor plans demonstrate each habitable room would be serviced with a window which would offer of natural light into the building.

Officers have undertaken the 25 degree daylight and sunlight test, as set out in the Huntingdonshire Design Guide 2017, on the bedroom window on the rear elevation given it would be separated from the adjacent single storey industrial unit by approximately 5.5m. The ridge of the industrial unit is approximately 4.8m and 3.2m to the eves (details found under application reference 0100949FUL). When the centre point of the bedroom window was measured against the opposite building, the full ridge of the industrial unit would not cause the habitable window to fail the 25-degree test.

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. The adjacent use is considered light industrial.

(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 of Part 3 (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 submitted drawings 2187/9 and 2187/10 accords with paragraph W.

The proposed accommodation comprises 1 no. x 1 bedroom 2-person unit. The 65.55 m2 floorspace of the dwelling would 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, subject to the imposition of a condition seeking internal noise mitigation measures.

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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