HUNTINGDONSHIRE DISTRICT COUNCIL

25/00313/PRI031

OFFICER REPORT

Case No: **25/00313/PRI031** **Pr Ap. COU Comm/Bus/Serv to Dwellinghous**

Proposal: **Conversion of Class E building to 12 self-contained apartments**

Location: **Welbeck House 9A Spitfire Close Huntingdon**

Applicant: **Mr Simon Machen**

Grid Ref: **522906 273265**

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 half-part of a former office within the Ermine Business Park on Spitfire Close Huntingdon. The three-storey T-shaped shaped building has a flat roof measuring approximately 9.6 metres to the ridge constructed in brick with evenly spaced glazing. To the front

of the building an area of hardstanding which offered 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 is approximately 122 metres north on the same business park which was converted from office to dwelling in 2021 (21/00762/P3JPA).

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 three existing offices (one office per floor) to 12 independent one bedroomed residential units 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, apart from a small area within the carpark designated to cycle storage. The existing 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

8500832OUT for Commercial and industrial development, land north of Stukeley Road and Ermine Street, Huntingdon, PERMITTED 07.04.1986

8601150FUL for Service roads, sewers and surface water balance pond for industrial development, Industrial Site, Ermine Street, Great Stukeley, PERMITTED 17.11.1986

8801618OUT for Erect offices, Ermine Business Park, Stukeley Road, Huntingdon, PERMITTED 27.09.1988

8900879REM for Erect office building, The Roundabout Site, Ermine Business Park, Huntingdon, PERMITTED 30.06.1989

CONSULTATIONS

Environment Health - Overall no objection. Full comments:

"I do have concerns regarding the potential road noise impact within the proposed properties, however I understand with this type of application (Prior Approval under Schedule 2 Part 3 Use Class MA The Town and Country Planning (General Permitted Development) (England) Order 2015) the noise impact from road noise is not a material planning consideration and it is only impacts of noise from commercial premises on the intended occupiers of the development that can be considered.

Taking this into consideration, and as there is no external plant near the site, and no external amenity areas proposed, I can confirm I have no issues to raise."

Cambridgeshire County Highways - Overall 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 as it is unlikely to represent an intensification of use. I therefore have no objections to the proposed development.

This is an application for a change of use from a commercial, business or service unit to residential dwelling use for 12 one-bedroom apartments.

Following a careful review of the documents provided to the Highway Authority as part of the above planning application I have noted that the site is not located on or near the public highway. There is no footway or cycleway to the site. The car park for the site will include 21 car parking spaces for 12 one-bedroom apartments.

The Local Planning Authority will need to be satisfied that the car parking is sufficient for residents and visitors and that as site has no footway is suitable for change of use to residential."

Cadent Gas - No objections subject to an informative as the site is in close proximity to our medium and low-pressure assets.

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 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 to the south of Ermine Business Park and is approximately 5 minutes walk to the nearest bus stop serving Ermine Business Park to Huntingdon town centre and train station, and thus allows 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, and the parking for the former office provides 21 car spaces, as well as cycle storage. At one car parking space per dwelling, with 9 additional spaces and cycle spaces officers consider that this is sufficient parking for the site.

Cambridgeshire County Council have been consulted on the application as the Local Highways Authority and raise no concerns relating to highway safety given an intensification of use is unlikely when considering the existing use. However, the Highways Officer highlights that the site does not have a formal footpath and is sited away from the highway. In regards to this, officers note that the site only meets a footpath approximately 100m north of the site where a pavement is located giving footpath access to the adopted highway. The route from the site to this pavement has double yellow lines allowing increased visibility as vehicles will not be able to park on the road. Given this and that 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 and 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 from 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 122 metres to the north. 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 120.000). 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.

Although the proposal fails to include the all the dimensions required, the submitted drawing Proposed Plans 120.00 Rev C 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 12 nos. x 1 bedroom- 1-person unit. The 37 m2 floorspace 1 person dwelling with shower room 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.

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:
Enquiries about this report to **Marie Roseaman**