OFFICER REPORT

Case No: 25/00582/P3JPA Prior Approval Office to Dwellings

Proposal: Change of use to dwelling, changes to windows and internal alterations (Units 3 and 4)

Location: Fen Road Industrial Estate Fen Road Pidley

Applicant: Mr David Hopkins

Grid Ref: 533032 278217

DESCRIPTION OF SITE AND APPLICATION

This is an application to determine whether the prior approval of the local planning authority is required concerning change of use from a premise falling within Class E (of the Town and Country Planning Use Classes Order 1987 as amended) i.e., commercial, business and service uses, to a use falling within Class C3 of the same Order i.e., dwelling house(s).

The proposal is permitted development as granted by Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), subject to various limitations and conditions. One such stipulation is that before beginning the development, the applicant must apply to the local planning authority to see if prior approval is required in relation to the following matters;

(a) transport 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;

(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, 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 undertaking this assessment, the application must meet the limitations and conditions set out in Class MA and this assessment is carried out below in the consideration of the issues part of the report. Paragraph W of Class 3 requires the local planning authority to assess the above matters as if they were assessing a planning application.

The units subject to this application are currently office space. The building is single storey pitched roof and timber clad located outside of the main village of Pidley A larger unit to the north was converted to three residential units under prior approval ref 1400897PACOU, the unit to the far south to a dwelling under ref 1301004PACOU and there is a current application relating to the directly adjacent unit (unit 2 - shown on the submitted plans) for change of use to a dwelling under ref number 25/00609/P3JPA which is pending consideration.

In terms of constraints, the site is not within a Conservation Area and there are no Listed Buildings in the immediate vicinity. The site is in Flood Zone 1 and has a very low risk of flooding as per the most recent Environment Agency Flood Risk Maps and Data. The surrounding development is a mixture of both residential (more heavily) and commercial with an industrial unit to the west.

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

NATIONAL GUIDANCE

The National Planning Policy Framework (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
LP9: Small Settlements
LP14: Amenity
LP16: Sustainable Travel
LP17: Parking Provision and Vehicle Movement
LP37: Ground Contamination and Groundwater Pollution

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

Supplementary Planning Documents/ Guidance

o Cambridgeshire Flood and Water SPD 2024

RELEVANT PLANNING HISTORY

89/01319/FUL - Change of use to Class B1 use (Permission)

CONSULTATIONS

Cambridgeshire County Council Highways Team - No objections.
HDC Environment Health - No objections subject to condition.

REPRESENTATIONS

None received at the time of determination.

SUMMARY OF ISSUES

The Local Planning Authority is only considering those matters which are specifically set out in Class MA for which prior approval might be required - these matters have been set out above. This is because the application makes the case that the proposal is permitted development under Class MA and as such planning permission is not required. If the Local Planning Authority is satisfied that the proposal is permitted development under Class MA, then it may only concern itself with the matters for which prior approval might be required. As such, only development plan policies and national policies relating to those issues are relevant and must be balanced alongside any material considerations which also relate to the specific issues. The Local Planning Authority is not considering whether planning permission ought to be granted because Class MA has effect of granting the planning permission, subject to the conditions and limitations set out in Class MA being met.

Is the Proposal Permitted Development?

Class MA. 1

(1) Development is not permitted by Class MA -

(a) Unless the building has been vacant for a continuous period of at least 3 months prior to the application for prior approval

Officer comments: deleted entry - no longer applicable.

(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 comments: Application form - details accord.

(c) If the cumulative floor space of the existing building changing use under Class MA exceeds 1,500 square metres

Officer comments: deleted entry - no longer applicable.

(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 comments: Application form states not the case and this appears to accord with the detail available on the Local Authority Mapping System for this site. Environmental Health have also been consoled and raise no objections in this regard.

(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 comments: Application form states not the case and this appears to accord with the detail available on the Local Authority Mapping System for this site.

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

Officer comments: Not applicable.

(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 comments: Not applicable, the application post-dates 1st August 2022 and there are no Article 4 Directions in force.

Conditions MA. 2

(2) Before beginning the development under Class MA, the developer must apply to the Local Planning Authority for a determination (i.e., this application) 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

Response: The site is located outside of the built-up area of Pidley and there are no footpaths linking it to the village. However, the site access is within the 30mph zone and there are other residential buildings in the locality. It should also be regarded that this is an existing site which, with a commercial use will have vehicles accessing it. Thus, the conversion of these two units to two, one-bedroom dwellings is unlikely to intensify the situation to a degree which would be considered harmful. There is also parking provision in place which is unaffected by the development. Cambridgeshire County Council Highways Team have been consulted and raise no objections to the development in terms of highway safety but do raise a point regarding the suitability of the site for further residential development due to the lack of amenities. This is however not a matter which the LPA can consider under this type of application.

Some cycle storage in the form of Sheffield bike stands is shown on the submitted plans but there are no details as to how these would be allocated (e.g. to which units) nor is there any clarity that these would meet the requirements of secure covered storage as per the advice in the Local Plan and Huntingdonshire Design Guide. However, notwithstanding this consideration, the LPA are satisfied that the site could accommodate some form of covered cycle storage thus promoting sustainable travel (as detailed within Policies LP16 and LP17 of the Local Plan). In this case, it is not considered appropriate to use the full force of the Policy such to advise that prior approval would be required solely on this basis. In this case, a condition securing the provision of cycle storage prior to first occupation is considered acceptable and would accord with Policies LP16 and LP17 of the Local Plan.

(b) Contamination risks in relation to the building

Officer comments: HDC's Environmental Health Team have been consulted and whilst they raise no objections, they do state that given the previous uses of the site that further investigations are completed in regard to contaminated land. A standard condition shall be added to the decision and on this basis it is considered that the development would accord with Policy LP37 of the Local Plan.

(c) Flood risks in relation to the building

Officer comments: The site lies within Flood Zone 1 and has a very low risk of flooding as per the most recent Environment Agency Flood Risk Maps and Data and there are no future identified risks as per the 2024 Strategic Flood Risk Assessment. Given this, along with the fact that this relates to a change of use there is no requirement to apply the sequential or exception tests as per the NPPF (2024). A Flood Risk Assessment is also not required.

Development of this nature is acceptable in Flood Zone 1, there is no increase in footprint as a result of the development. Overall, there will be no increased risk of flooding or surface water impacts and the development accords with Policies LP5 and LP15 of the Local Plan.

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

Officer comments: HDC's Environmental Health team have reviewed the proposals and have requested that a condition is added to any consent to assess the potential impacts of noise and any mitigation measures required. Further enquiries with the Officer has revealed that the concerns relate to the garden area (directly adjacent to the unit) and the bedroom windows. The latter could be mitigated by specific glazing, non-opening windows and/or mechanical ventilation where required. As such, the LPA can be satisfied that subject to condition and mitigation measures that a high degree of residential amenity could be enjoyed by any future occupant of the dwelling in terms of indoor space. Concerns regarding the garden area are noted, however, on balance, it is not considered reasonable to consider that that this would render the development unacceptable. Furthermore, it is noted that there is no access to the 'garden' from the dwelling nor clear separate external accesses to the space from the individual units (one would pass through another etc). As

such, this is considered as an informal recreational space as opposed to a private garden. It should also be noted that there is no requirement for such spaces to be provided as part of a prior approval. Lastly, as detailed above, there are other residential uses in the vicinity (including within the same site), the adjacent site whilst industrial is within a residential/rural setting and is unlikely to be a site which features heavy industry/intensity of use which would cause undue harm.

Overall, subject to condition the LPA are satisfied that the proposal is compliant with regard to noise impacts and therefore accords with policy LP14 of Huntingdonshire's Local Plan to 2036.

(e) Where -

-the building is located in a conservation area,

And

-the development involves a change of use of the whole of or part of the ground floor, the impact of that change of use of the character or sustainability of the Conservation Area.

Officer comments: Not applicable - the site is not within a Conservation Area.

(f) The provision of adequate natural light to all habitable rooms of the dwellinghouses

Officer comments:

There are windows opening to the outside which provides natural light to all habitable rooms. It is noted that the bedroom windows look towards the eastern elevation of the adjacent industrial unit (separation of approx. 6.3m). The building is single storey and Officers have located the plans for the (ref 0100949FUL) which shows a ridge height of approx. 4.8m and eaves of 3.2m. From a measurement of the centre point of the bedroom window opposite this building, even to full ridge height there would not be a failure of the 25-degree test as detailed within the Huntingdonshire Design Guide. As such the LPA are satisfied that there will be adequate natural light to all habitable rooms of the dwelling and the development will comply with Policy LP14 of the Local Plan.

(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

Officer comments: Not applicable for this site. There are some surrounding commercial uses but no strong objections from the Council's Environmental Health Team. Conditions shall be added to address contamination and noise matters. The authority does not consider the site to be important in the provision of such commercial uses.

(h) Where the development involves the loss of services provided by -

- A registered nursery, or

- A heath centre maintained under section 2 or 3 of the National Health Service Act 2006.

The impact on the local provision of the type of services lost

Officer comments: Not applicable for this site.

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

Response: The proposal does not meet the threshold of the fire risk condition as it is a single dwelling and below the specified height of 18 metres or 7 storeys.

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.

In this case, some of the required detail has been provided but not all of it. However, the drawings are scaled and the LPA are satisfied that the information can be gained from the plans. Both meet the requirements for a 1 bedroom, 1 person dwelling. Whilst a double bed is shown on the plans, there is only one bedroom and therefore, technically there is no requirement for this to meet the space standards of a double bedroom. (If there were two bedrooms one would be expected to meet the double room size - in this case it doesn't but meets the requirements for a single bedroom). As such, it is considered acceptable particularly given the constraints of working with an established building.

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) and those relating to cycle storage and contamination.

If you would like a translation of this document, a large text version or an audio version, please contact us on 01480 388424 and we will try to accommodate your needs.

CONTACT OFFICER:
Enquiries about this report to **Kevin Simpson**