# OFFICER REPORT

**Case No:** 25/00492/PRI031 **Pr Ap. COU Comm/Bus/Serv to Dwellinghous**

**Proposal:** **Conversion of existing Class E business units to 5 residential units.**

**Location:** **Broughton Business Centre Causeway Road Broughton**

**Applicant:** **Mr D Rutherford**

**Grid Ref:** **528417 277984**

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 former offices within the Broughton Business Park on Causeway Road, Broughton, Huntingdon. The single-storey linear building has a pitched roof. To

the front of the building is a car parking area and to the side is another office building, smaller in scale. The Business Park is surrounded by residential dwellings.

The closest residential dwellings are along the main road where the access runs. The site is set back from these with countryside of the other sides.

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 existing offices to 5 independent units (4 x 2 bed and 1 x 1 bed) 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.

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

LOCAL AND NATIONAL POLICY AND GUIDANCE

The application should be considered in regard ti:
The Town and Cgountry Planning (General Permitted Development) (England) Order 2015 (as amended).

Other material considerations include:
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

Huntingdonshire's Local Plan to 2036 (May 2019)
Local policies are viewable at https://www.huntingdonshire.gov.uk

Supplementary Planning Documents/ Guidance

Huntingdonshire Strategic Flood Risk Assessment 2024

RELEVANT PLANNING HISTORY

1301731FUL for Replacement of existing workshop with new, single storey B1 business unit, GRANTED dated 13.02.2014

8200930FUL for USE OF EXISTING BUILDINGS FOR MANUFACTURE OF CONCRE TE COMPONENTS, THE CEDERS BROUGHTON, GRANTED dated 03.09.1982

8600915FUL for Extension to workshop, rear of 'The Cedars', Broughton, GRANTED dated 17.07.1986

9001156FUL for Removal of previous condition to allow site to be used as B1 (light industrial), Land & premises to rear of The Cedars, Broughton., GRANTED dated 07.09.1990

9101588FUL for Erection of office/toilet block, Broughton Craft Centre R/o The Cedars Causeway Road, Broughton., GRANTED dated 02.01.1992

0402766FUL for Retention of extension and alterations to industrial unit, GRANTED dated 15.10.2004

CONSULTATIONS

Environmental Health: No concerns, already near residential dwellings.

Highways: No objections.

REPRESENTATIONS

The application has been advertised by :
- Neighbour letter
- Local Newspaper
- Site Notice
- And on the Council Website

One representation has been received in objection to the application. This stated:
As a long term resident of Broughton, this quiet and attractive village, I see no merit in this application. The illustration in the plan submitted, portraying this row of cramped proposed cheek by-jowl 'houses', without even semi-shielded outdoor/garden space, continue, despite some cosmetic cladding etc., to look like the industrial units they are at present. I wonder too how effective any soundproofing between these units would prove to be. They would also be rather close to the remaining business unit(s) opposite.
Although outside the Conservation Area, these proposed tiny 'houses' would be totally inappropriate in this setting, sandwiched between two large detached residential properties, and totally out of character with the rest of this tranquil rural settlement.
Concerns also include the likelihood of increased traffic, the comings and goings of any residents who would require a vehicle each due to the continuing lack of public transport here, and the lack of any amenities apart from a gastropub and the church, and no easily accessible jobs.

ASSESSMENT

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— (parts a) and c) have been deleted by the government)
(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 is as 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 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 north east of Causeway Road. The access road is between residential properties and part of the business park will remain operational (B1 use). The site is approximately 6 minutes walk to the nearest bus stop serving School Road, running to Huntingdon town centre and train station, and although limited services, this will 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, and parking for the former offices allows significant off street car spaces and space for cycle storage. There are limited services in the village with a local public house and village hall being the only facilities in the village, however this is not a highway safety concern and there is safe access to public transport and roads.

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 Class E use. They feel that with regards to vehicle movements the movements associated with business use are comparable with the 5 dwellings proposed. Therefore, the movements are not significantly different from those which could be generated at present. Following a review of the documents provided to the Highway Authority as part of the above planning application, no significant adverse effect upon the Public Highway should result from this proposal, should it gain benefit of Planning Permission. It is considered that the site access is appropriate in terms of safety in this instance.

(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.

(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.

(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 residential dwellings and some Class E uses (offices - B1) would remain on the site. 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.

(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 by proposed floor plans (drawing ref 594SK01 rev. C). 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.

Officer comment: The proposal includes the dimensions, the submitted drawing is to scale and thus accords with paragraph W.

A neighbour raised concerns about the size of the dwellings proposed by this application. This is not an issue which can be considered through these regulation, however a variety of sizes of properties can add to the mix of provision of housing in small villages. They raised concerns over the soundproofing which would be a Building Control and/or Environmental Health issue if there were noise concerns.
They state that the proposals would be out of character to other residential dwellings. However, the buildings are existing and would have no changes externally.
The lack of facilities is not a consideration of these regulations and highways impacts have been considered above.

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

Having regard to Class MA 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 **Hannah Hodges**