# OFFICER REPORT

**Case No:** 25/00294/P3JPA **Prior Approval Office to Dwellings**

**Proposal:** **Conversion of of a disused office (Use class E) to a 2 bed residential dwelling (Use class C3) with associated parking, front garden and private amenity space.**

**Location:** **116A High Street Somersham Huntingdon**

**Applicant:** **Mr Mark Hutchings**

**Grid Ref:** **535808 277877**

## 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,

(b)contamination risks in relation to the building,

(c)flooding risks in relation to the building,

(d)whether it is undesirable for the building to change to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order because of the impact of the change of use—

(i)on adequate provision of services of the sort that may be provided by a building falling within Class A1 (shops) or, as the case may be, Class A2 (financial and professional services) of that Schedule, but only where there is a reasonable prospect of the building being used to provide such services, or

(ii)where the building is located in a key shopping area, on the sustainability of that shopping area, and

(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.

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 former office, accessed of High Street, Somersham. The single storey rectangular shaped building has a hipped roof measuring 2.5 metres to the eves and 4.7 metres to the ridge. The site is surrounded by residential development which is single and two storeys in nature. To the front of the building an area of hardstanding offered the former office use with parking. The closest residential dwelling to the former office is approximately 0.5m southwest.

The surrounding residential development, of varying age, scale and design, has been constructed using a variety of materials. The building itself is constructed with red brick, brown pantile roof tiles, brown UPVC windows, doors and rainwater goods.

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 the Somersham Conservation Area (CA), not located within the setting of a listed building and no ecological designations are within or in proximity to the application site.

The applicants seek to convert the former single storey office into 1 no. 2-bedroom residential unit with associated parking and private amenity space garden. No external alterations to the building are required as part of the change of use. However, a 40m2 front garden would be formed in the former parking area to the front of the property and enclosed 1m high close board fencing as part of the proposals.

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 is detailed below:
88/01565/FUL- Extension to provide storage- Permitted 25.08.1988

8401299FUL- Office Extension- Permitted 05.10.1984

8100392FUL- Change Of Use to Printing Studio- Permitted 14.04.1981

8001118FUL- Change Of Use to Hair Dressing Salon- Permitted 28.10.1980

**CONSULTATIONS**
Environment Health-No Objection. Due to the surrounding land uses the Officer raises no issues regarding the proposal.

County Highways - No objection. The building has an existing access for the full width of the frontage and the area in front of the building has been block paved to facilitate parking. As the existing access has presumably been operating safely, despite the hedge and telecoms apparatus in the verge, no o significant adverse effect upon the Public Highway should result from this proposal should it gain benefit of Planning Permission.

Parish Council- No objection and support the proposal.

**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 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: 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 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 in the centre of the village of Somersham and in proximity for future occupants to access the villages facilities and services via walking, cycling and vehicle use. The building is set back from public highway, where vehicular access to the site has already been established for as parking for the former office. The access measures approximately 5.6 meters in width.

Cambridgeshire County Council have been consulted on the application as the Local Highways Authority. The Officer notes building has an existing access for the full width of the frontage and the area in front of the building has been block paved to facilitate parking. The Officer acknowledges the

existing access has presumably been operating safely, despite the hedge and telecoms apparatus in the verge, and therefore no significant adverse effect upon the Public Highway should result from this proposal should it gain benefit of Planning Permission.
The application was supported with a site layout which demonstrates the proposal would provide two vehicle parking spaces. Given HDC does not have a parking policy stipulating the number of vehicle parking spaces to the number of bedrooms, Officers are satisfied with the quantity of vehicle proposed parking.

The submitted site plan (dwg ref PL01) denotes a location for a cycle storage shed to the rear of the building. Elevation and floor plans of the proposed cycle storage accompany the application (dwg ref PL02). As per Local Plan Policy LP17 proposals for new residential dwellings will be expected to provide at least one clearly identified secure cycle space per bedroom. Per the details submitted the timber cycle storge shed would be sized to accommodate 2 cycle 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.

The Environmental Health Officer has been consulted as part of the application and raised 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 at 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 residential premises and therefore, the future occupants of the development would not be impacted by commercial noise. Additionally, the Environmental Health Officer was consulted as part of this application and raises no objection to the development proposal. 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 PL01). 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 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 drawing PL01 accords with paragraph W.

The proposed accommodation comprises 1 no. x 2 bedroom- 4-person unit and access to private external amenity space. The 70 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.

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 **Charlotte Dew**