HUNTINGDONSHIRE DISTRICT COUNCIL

24/02122/PRI032

OFFICER REPORT

Case No: **24/02122/PRI032** **Prior Ap Busi to Mixed Use inc. 2 Flats**

Proposal: **Change of use from hairdressers to mixed use business and residential apartment, and minor internal alterations to provide a suitable kitchens and bathrooms.**

Location: **4 Market Hill Huntingdon PE29 3NJ**

Applicant: **Mr Shaheed Nazeem**

Grid Ref: **523827 271777**

DESCRIPTION OF SITE AND APPLICATION

This is an application to determine whether the prior approval is required from the Local Planning Authority concerning change of use from hairdressers to mixed use business and residential apartment, and minor internal alterations to provide suitable kitchens and bathrooms.

The supporting information states that the ground floor will remain designated for commercial/non-domestic use with living accommodation proposed at first and second floor in what is currently addressed as 4 Market Hill, Huntingdon. The proposed residential accommodation is proposed as 4a Market Hill, Huntingdon and will be accessed from Market Hill.

It should be noted that the building is within the Huntingdon Conservation Area.

The proposal is permitted development as granted by Schedule 2, Part 3, Class G 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;

(i) contamination risks in relation to the building;
(ii) flooding risks in relation to the building;
(iii) impacts of noise from commercial premises on the intended occupiers of the development;
(iv) the provision of adequate natural light in all habitable rooms of the dwellinghouses;
(v) arrangements required for the storage and management of domestic waste.

Prior to undertaking this assessment, the application must meet the limitations and conditions set out in Class G 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 building subject to this application has the appearance of a dwellinghouse with accommodation above and in the roof space. The commercial area occupies the ground floor and fronts onto Market Hill. There is also access to the rear onto All Saints Passage. No existing floor plans have been submitted confirming the existing ues of the rooms, however, the proposed plans submitted indicate that the ground floor will be designated for commercial/non-domestic use with residential accommodation proposed at first and second floor.

As detailed above, the building lies within the Huntingdon Conservation Area. The site is in Flood Zone 1 and has an overall low risk of flooding as per the most recent Environment Agency Flood Risk Maps and Data. The surrounding development is a mixture of commercial and residential.

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) paragraph 8 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 also sets out the Government's planning policies for (amongst other things):
* Making effective use of land
* Achieving well-designed, beautiful, and safe places;
* Conserving and enhancing the natural 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 (Adopted 15th May 2019)

LP5: Flood Risk
LP11: Design Context
LP12: Design Implementation
LP8: Key Service Centres
LP14: Amenity
LP34: Heritage Assets and their Settings

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

Supplementary Planning Documents/ Guidance

Cambridgeshire Flood and Water SPD 2017
Huntingdon Conservation Area Character Assessment

RELEVANT PLANNING HISTORY

85/01358/FUL - Change of use to estate agents - Permission - 31.10.1985
84/00439/FUL - Part change of use to shop from offices - Permission - 25.04.1984

CONSULTATIONS

Huntingdon Town Council - object. The plans do not clearly show the location of bathrooms and kitchens. Concerns also raised about plans which suggested residential apartments might be used for HMO which would not be suitable for this area.

Additional plans were submitted and further consultation took place, however the Town Council maintain their objection. They support the application in principle, but based on lack of detail in current plans cannot approve.

CCC Highways - no objections. The building is in a sustainabe location being in the town centre and close to the bus and railway stations with town centre car parks nearby. Therefore no significant adverse effect on the Public Highway.

HDC Environmental Health - no objections with regards to potential noise and disturbance.
However, consider further information is required to show the room sizes and layout of living rooms, kitchens and bathrooms.

REPRESENTATIONS

No representations have been 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 G 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 G and as such planning permission is not required. If the Local Planning Authority is satisfied that the proposal is permitted development under Class G 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 G has effect of granting the planning permission, subject to the conditions and limitations set out in Class G being met.

Permitted Development

G.1 Development permitted by Class G is subject to the following conditions:-

(a) Some or all of the parts of the building used for a use within, as the case may be, article 3(6)(n) (betting office) or 3(6)(o) (pay day loan shop) of, or Class E of Schedule 2 to, the Use Classes Order is situated on a floor below the lowest part of the building used as a flat;

Officer comments - Complies, the commercial use is at ground floor with the residential use above.

(b) where the development consists of a change of use of any building with a display window at ground floor level, the ground floor must not be used in whole or in part as a flat;

Officer comments - It is difficult to tell for certain given the quality of the plans submitted, however, it would appear that the ground floor display window fronting Market Hill will remain related to the commercial use as will the remaining ground floor. Therefore, the proposal appears to comply with this condition, however, it is considered that the quality of the information submitted is not precise enough to fully assess the plans and submitted details against the Regulations.

(c) a flat must not be used otherwise than as a dwelling (whether or not as a sole or main residence)—

(i) by a single person or by people living together as a family, or
(ii) by not more than 6 residents living together as a single household (including a household where care is provided for residents)

Officer comments - Again it is difficult to ascertain given the qualtity of the plans and details submitted. However, the accompanying application form states that the upper floors of the building will be a flat for up to six people. There is no reason to consider that this would be used otherwise than as a dwelling and the scale limits the capacity of these.

(d) before beginning development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—

(i) contamination risks in relation to the building;
(ii) flooding risks in relation to the building;
(iii) impacts of noise from commercial premises on the intended occupiers of the development;
(iv) the provision of adequate natural light in all habitable rooms of the dwellinghouses;
(v) arrangements required for the storage and management of domestic waste.

Officer comments - These matters are addressed in detail below:

(i) Contamination risks in relation to the building

Officer Comments - The application site is not currently or historically used for any purpose that gives rise to concerns regarding contamination. HDC's Environmental Health Team have been consulted. Having reviewed the submitted documents and plans they confirm that they have no objection in terms of contamination.

(ii) Flooding risks in relation to the building

Officer comments - As detailed in the preceding sections of this report, the application site lies within Flood Zone 1 and has an overall low risk of flooding. The NPPF (2024) details that some developments are exempt from the Sequential and Exception Tests in relation to flood risk. One such exemption is applications for change of use. In this case, as the proposal relates to a change of use and does not include any increased footprint or built development alongside the overall low risk of flooding and the NPPF guidance Officers are satisfied that the development is acceptable with regard to its approach to flooding and is therefore consistent with Policy LP5 of the Local Plan to 2036 and the NPPF 2024 in this regard.

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

Officer comments - The application site is not currently or historically used for any purpose that gives rise to concerns regarding Noise. HDC's Environmental Health Team have been consulted. Having reviewed the submitted documents and plans they confirm that they have no objection in terms of noise from adjacent uses.

(iv) Provision of adequate natural light in all habitable rooms of the dwellinghouses

Officer comments - The submitted plans and supporting documents appear to show that all proposed habitable rooms will be served by existing windows. However, although each room appears to have a window officers cannot be certain the windows are large enough for the proposed use of the room as the layout and exact use of each room is unclear from the submission. Therefore, officers cannot be be fully satisfied at this stage that the proposal provides adequate natural lighting to all habitable rooms.

(v) Arrangements required for the storage and management of domestic waste

Officer comments - The submitted application form states that an area at the ground floor rear of the building is being improved to accomodate domestic waste, however, no further information has been submitted. The Supporting statement refers to a 'communal refuse area' but there is nothing

specific shown on the plans for domestic waste arrangements.The application is also accompanied by a unilateral undertaking for domestic bin provision, however, this is incomplete. Officers therefore consider that insufficient information has been submitted with regards to the arrangements for storage and management of domestic waste.

CONCLUSION

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 not granted as the quality of the information submitted is not considered precise enough to fully assess the plans and submitted details against the Regulations. Therefore, officers cannot be be fully satisfied at this stage that the proposal meets all the limitations and conditions set out in Schedule 2, Part 3, Class G of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). This is particularly relevant regarding the proposed layout and use of the rooms and whether the proposal provides adequate natural lighting to all habitable rooms.

The proposal also fails to provide sufficient information regarding subsection G1. (d) (v) - arrangements required for the storage and management of domestic waste as set out in Schedule 2, Part 3, Class G of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

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CONTACT OFFICER:
Enquiries about this report to **Andrea Dollard**