OFFICER REPORT

Case No: 24/02145/P3JPA **Prior Approval Office to Dwellings**

Proposal: Proposed change from class E to residential dwelling (18 - 20 High Street)

Location: 18 High Street Warboys Huntingdon

Applicant: Mr And Mrs K McGee

Grid Ref: 530489 280081

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 (hairdressers and shop) to a use Class within Class C3 (Dwellinghouses) of the of the Town and Country Planning Use Classes Order 1987 as amended.

Officers note the application has been amended to remove external alterations from the plans.
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 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(4),
the impact on the local provision of the type of services lost; and
(iii)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 next 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.

This application relates to a shop and hairdressers accessed off the High Street, Warboys. The single-storey rectangular shaped flat roofed is bounded by residential properties to either side. There is a driveway to the side of the property.

The surrounding development, is of varying age, scale and design, has been constructed using a variety of materials. The building itself is constructed with brick, timber windows and doors, and flat felt roof.

The site is located within Flood Zone 1 per Environment Agency Flood Risk Mapping and Cambridgeshire Flood and Water SPD 2024. There is a listed building to the rear of the site and the property sites within the conservation area.

The applicants seek to convert the commercial unit into 1 no. residential unit.

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

NATIONAL GUIDANCE

The National Planning Policy Framework (20 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

Section 72 of the Planning (LBCA) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.

PLANNING POLICIES

Huntingdonshire's Local Plan to 2036 (May 2019)
LP14: Amenity
LP16: Sustainable Travel
LP17: Parking Provision and Vehicle Movement
LP 34 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's Design Guide SPD 2017 - Compatibility Statement (2021)
- Developer Contributions SPD (2011)
- Developer Contributions: Updates Costs 2019/2020
- Huntingdonshire Landscape and Townscape Assessment (2022)
- Annual Monitoring Review regarding housing land supply.

RELEVANT PLANNING HISTORY

21/70055/PENQ for Conversion of shop units to domestic dwelling,
REPLY dated 10.10.2021

22/01983/FUL for Proposed conversion from shop units to dwelling and roof extension to create first floor,
REFUSED dated 22.06.2023

CONSULTATIONS

Conservation: The current amended application does not propose any alterations to the exterior of the building and no proposals are included to alter the site. For those reasons and in the light of the previous Conservation comments this proposal is considered to preserve the setting of the Listed Building and its significance and also to preserve the character, appearance and significance of the Conservation Area, so recommendation is to support the proposed change of use.
Environment Health raise no objections to the proposal.

CCC Highways raise no objections to the proposal.

REPRESENTATIONS

One representation received in support at the time of determination.

SUMMARY OF ISSUES

As set out in Class MA of the GDPO, the 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 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. The building was previously considered Use Class E (Commercial business and service) on 1st September 2020.

(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: 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: 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: 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: The LPA has not removed permitted development rights on the building.

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 located within Warboys, with a single access onto High Street. Visibility is adequate on the access to the site with clear unobstructed views. It is considered that there is unlikely to be any intensification of the use of the access from the change of use to residential. The County Highways Officer was consulted as part of this application and raises no objection to the proposal.

The application location plans shows enough lad within the redline for 2 parking spaces and officers consider this to be appropriate for occupants to park and enter and exit the site in a forward gear. The proposed layout fails to demonstrate that it complies with the HDC Design Guide (2017) requirements of 1 cycle space per bedroom. Notwithstanding the above, the site has the benefit of sufficient space to include cycle storage which will be secured by condition.

Overall, it is considered the application is acceptable, subject to condition, in regard to transport provision and would accord with Policies LP16 and LP17 of the Local Plan.

(b)contamination risks in relation to the building;

Officer assessment: The Environmental Health Officer has been consulted as part of this application and raises no objections to the proposal in terms of land contamination, noise, vibration, dust, odour, fumes, air pollution, air quality and light.

Officers consider that the use as a shop and hairdressers would be unlikely to present contamination risks and therefore, the proposed development would accord 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 has a low risk of flooding and therefore not subject to the Sequential Test and Exception Tests for residential development proposals.

Given the above, Officers consider the application to be acceptable with regard 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 Environmental Health Officer has been consulted as part of this application and raises no objections to the proposal in terms of land contamination, noise, vibration, dust, odour, fumes, air pollution, air quality and light.

The use would have less noise and comings and goings than the previous use. Therefore, it is considered that the proposal is compliant with Local Plan Policy LP 14.

(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 on the character or sustainability of the conservation area;

Officer assessment: The application was amended to remove external alterations as there is no allowance for alterations through Class Ma. The conservation officer has considered the change of use and as there are no external alterations then the proposal will not cause harm to the Conservation Area and has no objections.

(f)the provision of adequate natural light in all habitable rooms of the dwellinghouses;

Officer assessment: As demonstrated on drawing 110 rev.D the residential unit proposed would have adequate access to light. The existing fenestration would provide each room with natural light from at least one window. Therefore, it 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;

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: Not applicable

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

(ii)

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 proposal's plans are all to scale to allow to consider this.

The proposed accommodation comprises 1 x 1b dwelling. The floorspace accords with the DCLG Technical Housing Standards - Nationally Described Space Standards and 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. The bedroom is at least 2.75m (3m) wide and at least 11.5m2 (17m2). The floor area is over 50m2 (90m2).

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 conditions relating to cycle storage appearance.

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CONTACT OFFICER:
Enquiries about this report to **Hannah Hodges**