

WELWYN HATFIELD BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT
DELEGATED REPORT

APPLICATION No: N6/2015/1119/OR

SITE ADDRESS: Everest House, Sopers Road, Cuffley, Potters Bar, EN6 4SG

DESCRIPTION OF DEVELOPMENT: Prior approval for the change of use from B1(a) Office to Class C3 (Dwellinghouses)

RECOMMENDATION: PRIOR APPROVAL NOT REQUIRED

1. SITE AND APPLICATION DESCRIPTION:

The site comprises a three storey office building with a lower ground floor and on-site parking spaces in the Sopers Road Employment Area in Cuffley. The building shares a vehicle access from Sopers Road with the buildings on the sites to the south. The building is currently in use as offices.

This application seeks prior approval for the change of use of the whole building to 45 residential units made up of 6 x studio flats, 22 x one bedroom flats and 17 x 2 bedroom flats.

2. SITE DESIGNATION:

The site lies within the Sopers Road Employment Area, Cuffley (EA9) designated in the Welwyn Hatfield District Plan 2005.

3. RELEVANT PLANNING HISTORY:

S6/1977/0256/O – Site for office premises: 3 storey (2830sqm gross) and 50 car parking spaces. Approved 23.3.1978.

S6/1982/0303 – New office building and car park. Refused 5.8.1982. Dismissed on Appeal May 1983.

4. CONSULTATIONS:

Hertfordshire County Council, Transport Programs and Strategy: No objections.

The application is unlikely to result in a material increase or change in character of traffic in the vicinity of the site. Sopers Road is an unclassified road designated as a Local Distributor but serving more as a local access road and providing access to a predominantly industrial area and car park.

Typically a residential development on this scale would lead to a lower number of vehicular trips than a similar-sized office use, particularly in the AM and PM peaks. Car parking matters are for the Borough Council to assess, however, overspill parking would be unlikely to impact on highway safety but the impact on adjacent commercial uses may need to be considered.

Welcome provision of cycle parking. The bin store appears to have no connection to the outside.

WHBC Environmental Health: No objection. There is some potential for contamination on the site but the development would not involve a pathway for any contamination to impact on the future residents of the site. Future breaking up of the land or soft landscaping would require a contamination assessment. The applicant should consider undertaking an asbestos survey of the site prior to the works of conversion and should consider noise mitigation measures, given the commercial premises nearby.

WHBC Building Control: No objection

WHBC Private Housing: No comments

WHBC Client Services: No comments

WHBC Landscaping: No objection

5. NEIGHBOUR REPRESENTATIONS:

Site Notice posted 10.6.2015. Expired 1.7.2015.

One letter received from the occupants of a neighbouring unit:

- Concern over parking in Sopers Road
- Parking is currently difficult due to local businesses and people avoiding paying car park fees.
- Concern over no. of lorries/vans and possible noise complaints
- Danger for drivers with additional traffic on the road.

Other comments were received by telephone about the shared access surface and the need to keep this clear of parked vehicles.

A copy of a letter from Welwyn Hatfield Access Group to the Agent and their response were received regarding accessibility and mobility aspects to the proposed development.

6. PARISH COUNCIL REPRESENTATIONS

Northaw and Cuffley Parish Council commented as follows:

“ We would have preferred this to stay as an industrial area for employment purposes. If this development goes ahead could they be asked for some contribution for community benefit as would currently be required for section 106 agreements.”

Officer comment: the Highways Authority (HCC Transport) has not requested a Contribution to sustainable Transport via a S106 agreement. The LPA may only consider the transport, contamination and flood risk aspects of the scheme and is

not able to consider requesting contributions for other purposes.

7. MAIN PLANNING ISSUES AND RELEVANT PLANNING POLICIES:

1. Whether the proposal is permitted development in accordance with Part 3 of Schedule 2, Class O of the Town and Country Planning (General Permitted Development) Order 2015 and if so, whether prior approval is required with regard to;
 - Transport and highways impacts of the development;
 - Contamination risks on the site; and
 - Flooding risks on the site; and
2. Other Considerations

8. ANALYSIS:

8.1 Is the proposal permitted development?

Part 3 of Schedule 2 Class O of the GDPO outlines that it is permitted development consisting of a change of use of a building and any land within its curtilage to a use falling within Class C3 (dwellinghouse) of the schedule to the Use Classes Order from a use falling within Class B1(a) (offices) of that Schedule.

The site does not form part of a safety hazard area or a military explosive storage area. In addition, the buildings are not a listed building or a scheduled monument.

Class O development is permitted subject to the condition that before beginning the development, the development shall apply to the Local Planning Authority for a determination as to whether the prior approval of the authority will be required as to-

- a) Transport and highways impacts of the development
- b) Contamination risks on the site; and
- c) Flooding risks on the site

and the provision of paragraph W (procedure for applications for prior approval under Part 3) shall apply in relation to any such application.

In assessing whether prior approval is required for the above three criteria regard must be had to the NPPF as if the application were a planning application, any representations received and whether the land would be contaminated land.

Transport and Highway Impacts of the development

The site is located on Sopers Road within the Sopers Road Employment Area EA9 within the settlement of Cuffley. The site entrance is a carriageway entrance from Sopers Road. The southern access is a single vehicle width, shared access with the industrial premises to the south (Glade Works and the buildings behind eg Eduzone). The site has 43 parking spaces on the ground level around the building. There is limited free parking on Sopers Road and a Pay and Display car park on the adjacent site operated by the Parish Council.

The site is well located for public transport being 250m from Cuffley railway station and 500m walking and cycling distance from other facilities in Cuffley. Typically a

residential development of this scale would lead to a lower number of vehicular trips than a similar sized B1 use. HCC Transport Programs and Strategy raises no objections to the development but identified the impact of overspill car parking on adjacent commercial uses as a matter that may need to be considered.

The maintenance of a clear access on the shared surface with the industrial units to the south is the subject of a private deed between the land owners and not a matter that the Local Planning Authority can enforce. However, the provision of satisfactory access to an employment area is a material consideration in planning matters.

The development proposes 6 studio flats, 22 one bedroom flats and 17 two bedroom flats: 45 units in total. According to the Supplementary Parking Guidance (SPG) 2004 this would require 60 car parking spaces. However, under the current guidance the existing use as B1 offices would require 94 car parking spaces and is currently underprovided for parking. The proposed use is likely to give rise to a lower demand for on-site parking than the existing use.

Forty three car parking spaces are proposed just below one space per flat. The SPG standards include provision for visitor parking and some demand for visitor parking to the application site may be absorbed by the adjacent car park. This provision and the location of the site close to the station and village centre mean that some reduction in parking provision on-site may be acceptable.

Accordingly the proposal is not considered likely to result in a material increase parking requirement on the site or in the character of traffic in the vicinity of the site compared to the existing use.

Cycle parking would be provided on site at a rate of one secure space per flat. There is no requirement for this in the GPDO.

Contamination Risks on the site

The Welwyn Hatfield Borough Council Environmental Health Department have not objected to the proposal, although they comment that, given the site's age and history there may be contamination on the land. However, the proposed development does not involve breaking up or excavating the land and so a contamination assessment is not required at present. In addition the building may contain asbestos. A suitable informative can be added in the event of approval, requiring that an asbestos survey be carried out and if it is found, this can be dealt with via separate legislation. Therefore no objections are raised in this regard.

Flooding Risks on the site

The application site is not located within flood zones 2 or 3 and the area is not known to have critical drainage problems.

8.2 Other considerations

An objection was raised concerning lack of S106 contributions. These matters do not fall within the remit of the prior approval process and cannot, therefore, be taken into account in this instance.

9. CONCLUSION:

The proposed development is permitted development in accordance with Part 3 of Schedule 2, Class O, of The Town and Country Planning (General Permitted Development) (England) Order 2015 and prior approval of the transport and highways impacts of the development, contamination risks on the site and flooding risks on the site is not required from the Local Planning Authority.

RECOMMENDATION: PRIOR APPROVAL NOT REQUIRED

1. The proposed development is permitted development in accordance with Part 3 of Schedule 2, Class O, of The Town and Country Planning (General Permitted Development) (England) Order 2015 and prior approval of the transport and highways impacts of the development, contamination risks on the site and flooding risks on the site is not required from the Local Planning Authority.

APPROVED DRAWING NUMBERS:

- 1414_04_004 (Location Plan)
- 1414_04_005 (Existing site Plan)
- 1414_04_006 (Existing Ground Floor Plan)
- 1414_04_007 (Existing Lower Ground Floor Plan)
- 1414_04_008 (Existing First Floor Plan)
- 1414_04_009 (Existing Second Floor Plan)
- 1414_04_010 (Proposed Site Plan)
- 1414_04_011 (Proposed Ground Floor)
- 1414_04_012 (Proposed Lower Ground Plan)
- 1414_04_013 (Proposed First Floor Plan)
- 1414_04_014 (Proposed Second Floor Plan)

received and dated 26th May 2015.

INFORMATIVES:

1. This written notice indicates that the proposed development would comply with Schedule 2 Part 3 Class O of the Town and Country Planning (General Permitted Development) Order 2015.
2. It is a requirement under paragraph W of the Town and Country Planning (General Permitted Development) Order 2015 that the development shall be carried out in accordance with the information approved by the local planning authority, unless the Local Planning Authority and the developer otherwise agree in writing.
3. It is a requirement under O.1 of the Town and Country Planning (General Permitted Development) Order 2015 that the use of the building falling within Class C3 (dwellinghouse) of the Schedule to the Use Classes Order must be

commenced on or before 30th May 2016.

4. Should confirmation be required that the development complies with the conditions and limitations within the above list of informatives, the development should submit an application for a Certificate of Lawful Use.
5. The applicant is advised that if in the future the applicant undertakes any landscaping or soft grounds works then a full contaminated land investigation must be undertaken.
6. The applicant is advised that the age and design of the building raises the potential of it containing asbestos and any asbestos containing materials should be removed using an appropriate method. It is likely that the works would need to be notified to the HSE.
7. It is noted that the proposed plans appear to indicate the removal of existing doors to the ground floor plans. The applicant should be made aware that any alteration to the external appearance of the building would mean that planning permission is required to change the use of the building to a Class C3 Residential Use.

Signature of author..... **Date**.....