

WELWYN HATFIELD BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT
DELEGATED REPORT

APPLICATION No: S6/2014/1174/OR

SITE ADDRESS: King George House, 1-5 Harpsfield Broadway, Comet Way

DESCRIPTION OF DEVELOPMENT: Prior approval for the change of use of office building (Use Class B1a) to 15 residential flats (Use Class C3)

RECOMMENDATION: PRIOR APPROVAL NOT REQUIRED

1. SITE AND APPLICATION DESCRIPTION:

The application site is comprised of properties nos. 1-5 Harpsfield Broadway which are two and a half storey buildings, constructed of facing brickwork and render. The immediate area is comprised of a mix of residential and commercial units and facing the site, to the south east, lies The Galleria. The site is accessed off Comet Way and there are no other constraints affecting the site.

The application seeks prior approval for the change of use of the building from office (B1) to residential (C3). No external alterations are proposed.

2. SITE DESIGNATION:

The site lies within Hatfield as designated in the Welwyn Hatfield District Plan 2005.

3. RELEVANT PLANNING HISTORY:

S6/2002/0437/AD – Non-illuminated fascia sign. Granted 29/04/2002

S6/2001/0840/FP – Alteration of ground floor frontage, erection of single storey rear extension for office use following demolition of existing storage building. (Amended scheme to that approved under S6/2000/0815/FP). Granted 13/08/2001

S6/2000/0815/FP – Alteration of ground floor frontage, erection of detached office building at rear following demolition of existing storage buildings, and new car parking layout. Granted 31/07/2014

S6/2000/0134/FP – New shop front. Granted 13/03/2000

S6/2000/0133/AD – Illuminated fascia sign. Granted 13/03/2000

S6/1999/0308/FP – Reinstatement of the first and second floors to five self contained residential units, replacement of storage building with new warehouse and change of use of ground floor to A1 (retail). Granted 02/07/1999

S6/1982/0056/FP – Change of use from retail to office. Granted 13/05/1982

S6/1979/0054/FP – Change of use to offices with ancillary storage areas. Granted 12/07/1979

4. CONSULTATIONS:

No objections have been received in principle from Environment Agency, WHBC Environmental Health, Hertfordshire County Council Transportation Programs and Strategy or the Highways Agency.

5. NEIGHBOUR REPRESENTATIONS:

None received

6. TOWN/PARISH COUNCIL REPRESENTATIONS

None received

7. MAIN PLANNING ISSUES AND RELEVANT PLANNING POLICIES:

The main planning issue with this application is:

- 1. Whether the proposal is permitted development in accordance with Part 3 of Schedule 2, Class J of the Town and Country Planning (General Permitted Development) (Amendment) Order 2013 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;**

8. ANALYSIS:

1. Part 3 of Schedule 2 Class J of the GPDO outlines that 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, is permitted subject to a prior approval process.

The site's planning history demonstrates that there have been previous applications to change the use of the building. However, the Valuation Office Agency shows that the occupants of the building are paying tax for the use of the property as offices. Having regard to this, and following a site visit confirming that there has been no implemented change of use from B1(a) (offices), it is reasonable to assume that this building was used for a use falling within Class B1(a) (offices) of the Schedule to the Use Classes Order immediately before 30th May 2013 or when it was last in use. Additionally the site does not form part of a safety hazard area or a military explosive storage area. Furthermore, the building is not listed or a scheduled monument. The building and land can therefore benefit from this permitted development right subject to the conditions within the Order.

Class J 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 N (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 three criteria, regard must be had to (i) the National Planning Policy Framework (NPPF) as if the application were a planning application, (ii) any representations received, including consultees, and (iii) whether the land would be contaminated land.

Transport and Highway Impacts of the Development

The site is located within close proximity to Harpsfield Broadway, with the parking area served from a common access way to the rear of properties fronting Harpsfield Broadway.

Having regard to the number of units proposed, it is considered that a residential use of the application property would lead to no significant change in the trip attraction of the site over the current B1 use. Furthermore, the site is located in close proximity to existing transport facilities and local shops and services – reducing the need to travel by private car. Having regard to the above, HCC Transport, Programs and Strategy and the Highways Agency raised no objections to the change of use. Accordingly the development is not considered likely to result in a material increase or a material change in the character of traffic in the vicinity of the site compared to the existing use.

It is noted that HCC Transport, Programs and Strategy have suggested that the applicant provide details on any cycle and bin storage areas. However, concerns relating to such issues cannot be addressed within the provisions of the GPDO.

Contamination Risks on the site

There are no identified land contamination issues at the site. As such, WHBC Environmental Health confirms that they have no objections to the development proposed and the Environment Agency has made no comments in this regard. The proposal is therefore acceptable in terms of contamination risks.

Flooding Risks on site

The application site is not located within flood zone 2 or 3 and the area is not known to have critical drainage problems. In addition, the Environment Agency has made no comments with the development in this regard.

9. CONCLUSION:

The proposed development is permitted development in accordance with Part 3 of Schedule 2, Class J, of The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013 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 and is given.

RECOMMENDATION: PRIOR APPROVAL IS NOT REQUIRED

1. The proposed development is permitted development in accordance with Class J.2 (a), (b) and (c) of Schedule 2, Part 3, Class J of The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013 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.

PLANS AND INFORMATION SUPPLIED TO THE LOCAL PLANNING AUTHORITY

Drawing nos. 1220-001 & 1220-002 & 1220-003

INFORMATIVES:

1. This written notice indicates that the proposed development would comply with Schedule 2 Part 3 Class J of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by SI 2008 No. 2362 and SI 2013 No. 1101).
2. It is a requirement under paragraph N of SI 2013 No. 1101 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 J.1 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by SI 2008 No. 2362 and SI 2013 No. 1101) 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. Road deposits. Best practical means shall be taken at all times to ensure that all vehicles leaving the development site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. This is to minimise the impact of construction vehicles and to improve the amenity of the local area.
5. The applicant is advised that the storage of materials associated with this development should take place within the site and not extend into within the public highway without authorisation from the highway authority, Hertfordshire County Council. If necessary further details can be obtained from the County

Council Highways via either the website
<http://www.hertsdirect.org/services/transtreets/highways/> or telephone 0300
1234047 to arrange this.

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