

WELWYN HATFIELD BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT
DELEGATED REPORT

APPLICATION No: S6/2014/1321/OR

SITE ADDRESS: Willow House, 16-18 Salisbury Square, Hatfield

DESCRIPTION OF DEVELOPMENT: Prior approval for the change of use of office building (Use Class B1a) to 4 residential flats (Use Class C3)

RECOMMENDATION: PRIOR APPROVAL NOT REQUIRED

1. SITE AND APPLICATION DESCRIPTION:

The application site is triangular shaped and situated on the western side of the Great North Road and to the north east of Hatfield Town centre. The site is located adjacent to a railway line to the west and is accessed via a no through road to the east. There is pedestrian access to the northern section of the Great North Road, which goes past the application site and over a bridge that crosses the railway.

The application site contains a four-storey building, which is used for office (Class B1) purposes. It is constructed of red brickwork with a flat roof and a rounded projection which accommodates a stairwell.

The surrounding area comprises residential development to the east and a mix of commercial and residential development to the south.

The proposal is for a Prior approval for the change of use of office building (Use Class B1a) to 4 residential flats (Use Class C3)

2. SITE DESIGNATION:

The site lies within the settlement of Old Hatfield Conservation Area and Area of Archaeological Significance as designated in the Welwyn Hatfield District Plan 2005.

3. RELEVANT PLANNING HISTORY:

S6/1992/0379/FP - Change of use of first floor from offices to one two bedroomed flat, approved 06/08/1992

S6/2002/0484/LU - Certificate of Lawful use for existing use of first floor as office accommodation, withdrawn 01/08/2002

S6/2001/1084/FP - Change of use of first floor from residential to office, refused 07/01/2002

4. CONSULTATIONS:

No objections have been received in principle from Hertfordshire County Council, Transport Programs and Strategy; Welwyn Hatfield Borough's Environmental Health team, Welwyn Hatfield Borough Council Private Sector Housing Team and the Environment Agency.

5. NEIGHBOUR REPRESENTATIONS:

Two representations have been received. To summarise the representations they object with the following reasons:

- parking issues within the area
- the development does not conform to Welwyn Hatfield guidance in many respects
- the proposed density is too high
- there is no amenity space associated with the proposed change of use
- the area around is generally houses and not small flats

6. TOWN/PARISH COUNCIL REPRESENTATIONS

None

7. MAIN PLANNING ISSUES AND RELEVANT PLANNING POLICIES:

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 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, is permitted subject to a prior approval process.

The site's planning history demonstrates that the building's most recent use is as offices. Therefore, it is reasonable to assume that the 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.

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

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 application site is within a sustainable location, within walking distance of a range of shops and services and with good access to public transport. Typically a residential development of this scale would lead to a lower number of vehicular trips than a similar sized B1 use. In addition, the submitted Transport & Accessibility Report by WSP indicates that the proposed residential units are likely to result in a decrease of 26-27 two-way vehicle trips during AM and PM peak hours. WSP also concluded that the change of use is likely to result in a decrease in on-street parking adjacent to the site on Bull Stag Green.

Hertfordshire County Council 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.

Representations raised have objected to the development as there are parking issues within the local area. However the change of use will likely reduce the amount of parking required for the site

The office currently employs 40 persons. The floorspace is approximately 422.78 square metres. The parking requirement for this use is one space for every 30 square metres, therefore the requirement is 14 spaces.

The overall maximum requirement for four residential units would be 6 spaces (this is based on four, two or three bedroom dwellings).

Therefore taking the above parking standards into consideration, it is considered that there would be no further detrimental impact on the parking. The parking requirements for the proposal would be lower than the existing use and as such parking provisions is sufficient for the proposal.

Contamination Risks on the site

Welwyn Hatfield Borough Council Environmental Health Team have not objected to the proposal or raised issues with regard to the possibility that that site could be contaminated and accordingly no objections are raised in this regard.

Flooding Risks on the site

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

9. CONCLUSION:

The proposed development with the requirements contained within Class J.2 (a), (b) and (c) of 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.

RECOMMENDATION: PRIOR APPROVAL NOT REQUIRED

1. The proposed development complies with the requirements contained within Class J.2 (a), (b) and (c) of Schedule 2, Part 3, Class J of the Town and Country Planning (General Permitted Development) Order 1995 as amended by The Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2014 and **prior approval is not required**. The following conditions and informatives are applicable:

CONDITIONS

1. The development shall be carried out—
 - (a) where prior approval is not required in accordance with the details provided in the application, unless the local planning authority and the developer agree otherwise in writing.
2. C.13.2 –
AT376-01 & AT376-02 & AT376-03 & AT 376-04 received and dated 25 June 2014.

INFORMATIVES

1. Development is not permitted by Class J where—
 - (a) the building was not used for a use falling within Class B1(a) (offices) of the Schedule to the Use Classes Order immediately before 30th May 2013 or, if the building was not in use immediately before that date, when it was last in use;
 - (b) the use of the building falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order was begun after 30th May 2016;
 - (d) the site is or forms part of a safety hazard area;
 - (e) the building is a listed building or a scheduled monument.
2. 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.

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