

DELEGATED REPORT

APPLICATION No: N6/2015/0192/OR

SITE ADDRESS: Stonehills House, Stonehills, Welwyn Garden City

DESCRIPTION OF DEVELOPMENT: Prior Approval for the change of use of the first and second floors from B1 (a) offices to C3 dwelling houses providing 8no x 1 bed flats, 3no studio flats and 12no 2 bed flats.

RECOMMENDATION: PRIOR APPROVAL NOT REQUIRED

1. SITE AND APPLICATION DESCRIPTION:

The site is formed by the ground, first and second floors of the existing block above Howardsgate and Stonehills in the Central Welwyn Garden City Conservation Area.

The building, known as Stonehills House, has a brick facade that respects the materials, heights and massing of adjacent buildings. It was originally built as a Business (B1) office building, with retail below, the first and second floors now lie vacant and the block sits on a prominent site within the town centre surrounded by public gardens, the Howard shopping centre and Welwyn Garden City (WGC) railway station.

The proposal seeks prior approval to change the use of part of the existing two upper floors of Stonehills House into residential use. The change of use would result in 23 residential units varying from studio flats, 1 bedroom and 2 bedroom flats. It is noted that from a site visit and confirmation from the agent that the first and second floors under which are being assessed are currently vacant.

Planning history also shows that the upper floors were used as office space under application (N6/2013/0631/MA), whilst the site is vacant evidence suggests that the site had been used as offices with partition walls still visible and old business name plaques can be seen within the entrance staircases. Additionally further information from the Council's Business Rates department have confirmed that the applicants of the site correspond with their records and are currently paying office rates on the application site. Therefore it is considered that on balance the last known use was as offices.

2. SITE DESIGNATION:

The site lies within the Welwyn Garden City Town Centre, Primary Retail Core and the Welwyn Garden City Conservation Area as designated in the Welwyn Hatfield District Plan 2005.

3. RELEVANT PLANNING HISTORY:

N6/2013/0631/MA - Proposed extension and refurbishment of upper levels of existing office accommodation to form a 74 bed 3* hotel – Approved 7th August 2013

4. CONSULTATIONS:

No objections have been received in principle from Hertfordshire County Council, Transport Programs and Strategy, WHBC Environmental Health, Highway Agency and no response was received from the Environment Agency.

5. NEIGHBOUR REPRESENTATIONS:

One representation has been received from the public and is as follows:

- Zero cycle storage. This is totally unacceptable

6. TOWN/PARISH COUNCIL REPRESENTATIONS

No representations have been received from the Town/Parish Council.

7. MAIN PLANNING ISSUES AND RELEVANT PLANNING POLICIES:

The main planning issues with this application are:

- a) 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; and
- b) Other Considerations

8. ANALYSIS:

a) Part 3 of Schedule 2 Class J 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's planning history for the application site is limited, however a previous consent shows that the site was utilised as offices B1(a) as this application sought a change of use from offices to a hotel (N6/2013/0631/MA) to the upper floors. Additionally information from the Council's Business Rates department have confirmed that the applicants details 'The Tonstate Group Limited' correspond with their records and are currently paying office rates on the application site. Furthermore office paraphernalia including business name plaques can be seen within the entrance staircases and partition walls can be seen. Therefore it is considered that on balance the last known use of the upper floors of Stonehills house were offices.

Therefore, given the evidence above, it is reasonable to assume that the lawful use of the first and second floors of the building is 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.

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 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 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 Highways Agency and Hertfordshire County Council Transport Planning and Strategy have not objected to the proposal. The latter commented that typically a residential development of this scale would lead to a lower number of peak hour vehicular trips than a similar sized office use. Officers note that parking can be seen to the rear of the building but is used by the retail units below and subsequent correspondence with the agent has confirmed that there is no parking associated with the upper floors and as such no parking was available for the office workers and consequently no parking provision for potential residents. Regardless of this the application site is located within a sustainable location, in the centre of Welwyn Garden City which offers a range of shops and services and excellent access to public transport with the bus station and train station within a short walk. It is also noted that there are parking restrictions within Stonehills itself and therefore parking in association with the proposed residential uses would not be possible. Accordingly given the above considerations, the creation of 23 flats 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 office use that was associated within the building.

Contamination Risks on the site

The Welwyn Hatfield Borough Council Environmental Health department have not objected to the proposal or raised issues with regard to the possibility that that site could be contaminated within the remit of this application 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. The Environment Agency have not commented

or objected to the application on flood risk grounds and therefore no objections are raised in this regard.

b) An objection has been raised concerning the lack of cycle storage facilities. However, 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 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 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.

APPROVED DRAWING NUMBERS: 002 & 003 & 004 & 005 & 006 & 007 received and dated 29th January 2015 & 001 Rev A Received and dated 25th March 2015

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. 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**.....