

**WELWYN HATFIELD BOROUGH COUNCIL
EXECUTIVE DIRECTOR - PLANNING, PUBLIC PROTECTION AND GOVERNANCE**

DELEGATED APPLICATION

Application No: 6/2017/0746/PN11
Location: 12 Harpsfield Broadway Hatfield AL10 9TF
Proposal: Prior approval for the change of use from Office (B1 (a)) to a Dwellinghouse (C3) to include the creation of 4 dwellings.
Officer: Mr R Adenegan

Recommendation: Prior Approval Required and Refused

6/2017/0746/PN11 *These applications are for an assessment as to whether prior approval of those matters detailed within the legislation is required from the Council. However, other matters have been considered, but are not referred to as part of the decision letter. The contents of matters other than the prior approval considerations cannot be relied on as to the development's lawfulness. These require confirmation, if required by the developer, through the submission of an application for a Certificate of Lawful Use.*

Context		
Application Description	<p>The application site is 12 Harpsfield Broadway which is a first and second floor office building with a restaurant and bar at ground floor level located towards the end of a parade of shops facing east onto Harpsfield Broadway.</p> <p>Harpsfield Broadway runs parallel to Comet Way, on the opposite side of the road from The Galleria complex and car-park. Immediately to the rear (west) of the application site is a bus interchange and hotel. Further to the west are modern blocks of flats.</p> <p>The application seeks prior approval for the change of use from office to residential.</p>	
Relevant planning History	<p>Application Number: S6/2013/0603/FP Decision: Granted Decision Date: 14 May 2013 Proposal: Erection of new mansard roof</p> <p>Application Number: S6/2013/1563/FP Decision: Granted Decision Date: 04 October 2013 Proposal: Erection of shisha smoking shelter</p>	
The main issues are:		
<p>Whether the proposed works are permitted development by virtue of Schedule 2, Part 3, Class O (change of use of a building and any land within its curtilage to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order from a use falling within Class B1(a) (offices) of that Schedule of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended</p>		
	Y/N	To be PD
O.1 Development is not permitted by Class O where—		

(a) Deliberately excluded			
(b) (i) the building was not used for a use falling within Class B1(a) (offices) of the Schedule to the Use Classes Order immediately before 29th May 2013 or, (ii) in the case of a building which was in use before that date but was not in use on that date,		Y	Y (was used)
(c) deliberately excluded			
(d) the site is, or forms part of, a "safety hazard area;		N	N
(e) deliberately excluded			
(f) the building is a listed building or is within the curtilage of a listed building ; or		N	N
(g) the site is, or contains , a scheduled monument.		N	N
Conditions			
O.2 Development under Class O is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—			
Prior approval of the following matters:			
		Y ¹ /N / N/A	
(a) transport and highways impacts of the development		N	
(b) contamination risks in relation to the building		N	
(c) flooding risks in relation to the building,		N	
(d) impacts of noise from commercial premises on the intended occupiers of the development		Y	
Discussion where matters require prior approval			
Transport and highways impacts of the development	<p>No objections have been raised by Hertfordshire County Council Transport, Programmes and Strategy.</p> <p>It is noted that there are 4, one bedroom flats, therefore the Councils parking standard document requires 1.25 spaces per property.</p> <p>On this basis a total of 5 spaces are required. No parking provision is being provided on site. However it is acknowledged that the site is located close to the bus station and is located on a main thoroughfare, it is therefore concluded that the site is within walking distance of a range of services. Accordingly the creation of 4 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 existing use.</p>		
Contamination risks on the site	No comments have been provided raising and objection to contamination on the site.		
Flooding risks on the site	<p>No objections have been raised by the Lead Local Flood Authority.</p> <p>No comments have been received from the Environment Agency.</p>		
Noise impacts	The application site is located above a small parade of shops with additional commercial premises around the site. No noise report has been submitted alongside the application and this		

¹ Where Yes – discuss the issue after the table. If insufficient information has been provided or the development does not comply the conditions, limitations or restrictions, permission may be refused.

	has been requested by Environmental Health. Without this information environmental health are raising and objection as no assessment of the impact of commercial noise on the proposed units can be considered and therefore for this reason the application should be refused
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Reasons for Refusal:

1. Insufficient information has been provided in relation to the impact of noise from adjacent commercial premises on the occupiers of the proposed dwellings. Schedule 2, Part 3, Class W, Paragraph (3)(a) of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) states that the local planning authority may refuse an application where, in the opinion of the authority the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with, limitations or restrictions specified in this Part as being applicable to the development in question. As such, the prior approval is refused.

REFUSED DRAWING NUMBERS

2.

Plan Number	Revision Number	Details	Received Date
02		Site & Location Plans	11 April 2017
PL01		Proposed Plans & Elevations	11 April 2017
01		Existing Plans & Elevations	11 April 2017

Determined By:

Mr A Mangham
23 May 2017