

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

DELEGATED APPLICATION

Application No: 6/2017/1176/PN11
Location: Blackhorse House 36 Salisbury Square Hatfield AL9 5DD
Proposal: Prior approval for the change of use from Office (B1 (a)) to a Dwellinghouse (C3) to include the creation of 16x 1 bedroom flats
Officer: Mr M Peacock

Recommendation: Prior Approval Required and Granted

6/2017/1176/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	The site accommodates a 3-storey building with private parking. The building is currently in use as a 'Jobcentre Plus' on the ground floor with offices above.
Relevant planning History	<p>Planning</p> <p>Application Number: S6/2004/0720/GD Decision: Decision Date: 02 August 2004 Proposal: Proposed change of use to jobcentre (circular 18-84 consultation)</p> <p>Application Number: S6/2011/1994/MA Decision: Approval Subject to s106 Decision Date: 07 February 2013 Proposal: Redevelopment of Salisbury Square; demolition of existing shopping parade building with 7 maisonettes above including retaining wall structures; construction of new road and layout of public spaces; erection of new building containing 19 flats and 4 shops with basements; new two level car park; erection of terrace of 5 houses with road and footways; access alterations, drainage and all ancillary works</p>
Comments	<p>Two objections have been received which can be summarised as follows:</p> <ul style="list-style-type: none"> • The proposed scheme for Blackhorse House in that it will frustrate Gascoyne Cecil Estates approved and implemented scheme for the regeneration of Salisbury Square under planning permission S6/2011/1994/MA. • The large number and small size of the flats seems inappropriate for the area.

	<ul style="list-style-type: none"> There is a general shortage of parking spaces in Old Hatfield and residents of Blackhorse House should not be able to apply for residents' parking permits in Zone B01. 	
The main issues are:		
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		
	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	
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	Y	
(b) contamination risks in relation to the building	N	
(c) flooding risks in relation to the building	Y	
(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>The vehicular access is from Great North Road via Arm and Sword Lane. This road terminates at a public car park adjoining the site through which access is gained to the private car parking associated with the building. Direct pedestrian access can be gained from Salisbury Square. The access arrangements to the site would remain unchanged from the existing office use, with all parking provision laid out to acceptable and suitable dimensions. Typically a residential development of this scale would lead to a lower number of peak hour vehicular trips than a similar sized office use.</p>	

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.

	<p>In terms of parking the site currently provides 36 parking spaces. 16 parking spaces would be made available for the proposed flats which is acceptable for the scale of development proposed in this location. This would leave 20 parking spaces for the remaining job centre use. Officers note that the 36 spaces would result in an overprovision compared to the 20 spaces required by the Council's Supplementary Planning Guidance on parking and the Council's Interim Car Parking Standards. Furthermore, 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. The site is well situated to benefit from Hatfield railway station and the new bus/taxi interchange. Given the above considerations, transport and highway issues are not considered to be objectionable.</p> <p>Whilst the objections received from third parties are acknowledged, the issues raised are not material considerations in the determination of this application.</p>
Contamination risks on the site	<p>No comments have been raised regarding contaminated land. In addition, the proposal only includes the first and second floors of the building making any contamination issues highly unlikely, therefore, no concerns are raised in this regard.</p>
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	<p>No objections have been raised by Public Health and Protection.</p> <p>The proposed development is located on a mixed use site, it is surrounded by other office buildings, residential properties and mixed commercial units including a public house.</p> <p>The acoustic technical note provided with the application gives a subjective assessment of the local area in terms of the various noise sources. In this case, noise from commercial units (including the public house) were not deemed to present an unacceptable level of noise to the proposed development. Similar has been witnessed in the area by officers within Public Health and Protection both during the day and in the evenings within the Salisbury Square area. The only concern is noise from the public house, which has sometimes resulted in complaints from neighbouring residential properties, however, currently, this is not occurring frequently. As such, there will not be a request for an additional full noise impact assessment.</p>

Conclusion

The above considerations show that the proposed change of use of the building would not have a highways impact, and would not raise any concerns in relation to contaminated land, flood risk or noise from adjoining commercial premises on future occupiers.

As such, it is considered that prior approval is required and granted on this site for the matters specified within Schedule 2, Part 3, Class O, Paragraph Q.2.(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

DRAWING NUMBERS

The development/works shall not be started and completed other than in accordance with the approved plans and details:

Plan Number	Revision Number	Details	Received Date
SK1001	A	Existing First Floor Plan	26 May 2017
SK1002	A	Existing Second_Floor Plans	26 May 2017
SK1050	A	Existing Elevations)	26 May 2017
SK1101	B	Proposed First Floor Plan	26 May 2017
SK1102	B	Proposed Second Floor Plan	26 May 2017
SK1150	A	Proposed Elevations	26 May 2017
SK0001	B	Site Location Plan	31 August 2017
SK0002	A	Site Plan	26 May 2017
SK0003	A	Parking Plan	26 May 2017

REASON: To ensure that the development is carried out in accordance with the approved plans and details.

Determined By:

Mr C Carter
31 August 2017