

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

**DELEGATED APPLICATION**

**Application No:** 6/2018/0233/PN11  
**Location:** 12 Harpsfield Broadway Hatfield AL10 9TF  
**Proposal:** Prior approval for the change of use from office (B1) (a) to dwellinghouse to include the creation of 4 dwellings  
**Officer:** Mr William Myers

**Recommendation:** Prior Approval Required and Granted

6/2018/0233/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	Description of application where description requires expanding	
Relevant planning History	Application Number: S6/2013/0603/FP      Decision: Granted      Decision Date: 14 May 2013 Proposal: Erection of new mansard roof  Application Number: 6/2017/0746/PN11      Decision: Prior Approval Required and Refused      Decision Date: 23 May 2017 Proposal: Prior approval for the change of use from Office (B1 (a)) to a Dwellinghouse (C3) to include the creation of 4 dwellings.  Application Number: 6/2017/2288/FULL      Decision: Withdrawn      Decision Date: 11 December 2017 Proposal: Change of use from Office (B1 (a)) to a Dwellinghouse (C3) to include the creation of 4 dwellings.	
<b>The main issues are:</b>		
<b>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</b>		
	Y/N	To be PD
<b>O.1</b> 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	Y	Y (was

Schedule to the Use Classes Order immediately before 29th May 2013 or, (ii) <b>in the case of a building which was in use before that date</b> but was not in use <b>on</b> that date,		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 <b>or is within the curtilage of a listed building</b> ; or	N	N
(g) the site is, <b>or contains</b> , a scheduled monument.	N	N
<b>Conditions</b>		
<b>O.2</b> 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 <sup>1</sup> /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	
<b>Discussion where matters require prior approval</b>		
Transport and highways impacts of the development	Highways Authority have been consulted have raised no objection on the basis that the proposed use is likely to result in less vehicle trips to and from the site than the use that is currently permitted.	
Contamination risks on the site	Environmental Health were consulted and raised no objection on the grounds of contamination risks in relation to the proposed development.	
Flooding risks on the site	The Lead Flood Authority were consulted and raised no objection on the basis that there is only a low risk of flooding from surface water in this location and because they do not hold any records of flooding in this location.	
Noise impacts	The initial noise mitigation proposals were considered insufficient by the Council's Environmental Health Team to mitigate the noise generated by the Commercial activity that occurs below the application site. Following these comments the applicant produced revised drawings that have satisfied the concerns that the Council's Environmental Health Team had with regards to the proposal within this application. As a consequence it is considered that the revised proposal meets the requirements set out within Part 3, Class O of the General Permitted Development Order 2015, as amended.	

<sup>1</sup> 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.

**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:

<b>Plan Number</b>	<b>Revision Number</b>	<b>Details</b>	<b>Received Date</b>
01		Existing Plans & Elevations	24 January 2018
02		Site & Location Plans	24 January 2018
PL01B	C	1896- PL01C	

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

**Determined By:**

Mr Mark Peacock  
4 April 2018