

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

DELEGATED APPLICATION

Application No: 6/2019/1969/LAWP
Location: Second Floor Titan Court 3 Bishops Square Hatfield
Proposal: Certificate of lawfulness for the proposed use of office (B1)
Officer: Mr A Commenville

Recommendation: Granted

6/2019/1969/LAWP

Context	
Application Description	The applicant seeks a certificate of lawfulness on whether the use of part of Titan Court, 3 Bishops Square by the company 'Ola' for an office requires planning permission.
Relevant Planning History	<p>Application Number: S6/1987/0176/OP Decision: Granted Decision Date: 31 July 1987 Proposal: Site for office complex with associated car parking, vehicular and pedestrian access and alterations to highways</p> <p>Application Number: S6/1989/0161/FP Decision: Approval Subject to s106 Decision Date: 28 September 1989 Proposal: Erection of 4 B1 Class (Business) Buildings, together with ancillary car parking, new access and alterations to the highway and landscaping</p> <p>Application Number: S6/1989/1078/FP Decision: Granted Decision Date: 02 July 1990 Proposal: Revisions to existing planning permission S6/161/89 including resiting and re-orientation of buildings, revision to layout and car parking, and revised landscaping</p> <p>Application Number: S6/1993/0363/FP Decision: Granted Decision Date: 16 August 1993 Proposal: Revised car parking layout of permission granted S6/1078/89/FP</p> <p>Application Number: S6/2005/0216/FP Decision: Granted Decision Date: 21 April 2005 Proposal: Erection of a 4 storey office building (use class b1) (amendments to design of building 4 permitted under s6/0161/89/fp)</p>

The main issues are:

Whether the proposal constitutes a 'material change of use' under S55(1) of the Town and Country Planning Act 1990.

Discussion

The existing building, Titan Court forms part of a group of No. 4 buildings approved under the planning permission S6/1989/0161/FP for a use as B1 Class (Business).

The proposal is for the company 'Ola' to use part of the second floor of Titan Court as offices. The applicant has described the activity of this company being an-app based ride hailing service for Private Hire Vehicles.

The activities above would not require external alterations to the existing building.

Section 55 of the Town and Country Planning Act 1990 stipulates that subject to the following provisions of this section, in this Act, except where the context otherwise requires, "development," means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land.

Given that there are no external building, engineering or other operations, the assessment being made is whether the proposal results in any material change in the use of any buildings or land associated to this scheme.

It is noted that the use of a building/office that operates as 'minicab office' or 'Taxi' office normally falls within the sui generis class of use.

In this instance, the applicant has asserted that the activities that will be carried out by 'Ola' would fall under class use B1 because they would relate to normal office activities. In particular, the premises would be used for back house functions such as administration, marketing and record keeping. The applicant has explained that the premises will not operate as 'minicab office' or 'Taxi' office because no taxis will be parked at the office and no customers will visit the office. With regard to drivers, the applicant has explained that drivers will only visit the office on a one-off basis in order to undertake an interview and introductory training. The one off visit by drivers is considered to be in line with the normal operation of a B1 office where interviews are often held.

Weight was afforded to such matters in the appeal case ref: APP/V5570/X/16/3144045, whereby the Inspectorate concluded that "the use of an administrative (office) centre relation to a car chauffeur company that does not operate as a 'minicab Office' or 'Taxi' office, that car are not parked at the office and that customers and drivers do not attend the office (...) that the premises are indeed used by the company as a B1 office (administrative) use only".

Having regard to the information submitted and this appeal case, it is considered that the premises would be used by the company as a B1 office (administrative) use only.

Further to the above analysis, it is not considered that these activities would materially affect the locality or noticeably change the character of the premises. As a consequence, it is judged that the proposed development would not result in a material change of use of the premises.

Conclusion

For the above reasons, as a matter of fact and degree, the proposal is considered not to result in a material change of use under Section 55(1) of the Town and Country Planning Act.

Conditions:

1. The proposal is considered not to result in a material change of use of the planning unit. It would not therefore fall within the meaning of development set out in s55(1) of the Town and Country Planning Act 1990, as amended and no planning permission is required.

DRAWING NUMBERS

2. 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
77_0342_00 9	A	Proposed Floor Plan	8 August 2019
Site Location Plan		Site Location Plan	8 August 2019

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

Determined By:

Mr Jonathan Murray
2 October 2019