

**WELWYN HATFIELD BOROUGH COUNCIL  
DIRECTORATE OF STRATEGY AND DEVELOPMENT**

**DELEGATED APPLICATION**

**Application No:** 6/2016/1318/PN11  
**Location:** Studio Four, 37 Broadwater Road, Welwyn Garden City, AL7 3AX  
**Proposal:** Prior approval for the proposed change of use from office (class B1) to residential (class C3)  
**Officer:** Ms R Collard

**Recommendation:** Prior Approval Required and Granted

6/2016/1318/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.*

<b>Context</b>	
Application Description	The application site is located on the eastern side of Broadwater Road and includes a large building currently used as offices and its associated car parking. The building is accessed directly off Broadwater Road. The proposal seeks prior approval to change the use of the existing office building into residential use. The change of use would result in 12 residential units.
Relevant planning History	<p>N6/2015/0615/OR - Prior approval for the change of use from use class B1(a) (offices) to use class C3 (dwellinghouses) creating no.3 three bedroom flats, no.5 two bedroom flats, and no.4 one bedroom flats – Prior approval not required</p> <p>N6/2000/0368/FP – Erection of three metre high metal fence to southern boundary – Approved 8<sup>th</sup> May 2000</p> <p>N6/2000/0353/AD – Illuminated and non illuminated signage – Approved 2<sup>nd</sup> May 2000</p> <p>N6/1998/0988/FP - Demolition of existing single storey building and erection of two storey extensions to existing building – Approved 12<sup>th</sup> February 1999</p> <p>N6/1983/0359/ - Two storey block of offices and workshop accommodation (class IV) - Approved 7<sup>th</sup> July 1983</p>
<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 Development is not permitted by Class O where—</b>		
(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) <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,	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 <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	
<b>Conditions</b>		
<b>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—</b>		
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	N	
Discussion where matters require prior approval		
Transport and highways impacts of the development	<p>The Highways England and Hertfordshire County Council Transport Planning and Policy have not objected to the proposal. The latter commented that typically a residential development of this scale would not significantly increase the level of trips.</p> <p>Officers note that the existing car park for the office use is 45 spaces. The 10 residential units would be made up 4 x 1 bedroom flats, 6 x 2 bedroom flats. The site is located within car parking zone 2 where the Council's Supplementary Planning Guidance on parking outlines that 1 bed flats require 0.75 spaces per dwelling, 2 bedroom flats require 1 space per dwelling. This results in the 10 proposed flats requiring a total of 9 spaces. As such, no objections are raised to the number of spaces provided in this instance as the site can provide in excess of the Council's parking standards, in accordance with the Council's Supplementary Planning Guidance on parking and the Council's Interim Car Parking Standards. No cycle storage facilities are to be provided.</p> <p>Furthermore, the application site is within a sustainable</p>	

<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.

	location, within walking distance of a range of public transport, with bus services along Broadwater Road and the site is within walking distance of the Welwyn Garden City Railway Station. Accordingly, given the above considerations, the creation of 10 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.
Contamination risks on the site	The Welwyn Hatfield Borough Council Environmental Health department have been consulted in relation to this application they have not raised an objection to the application 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. The Environment Agency have no comments to make. Whilst the Lead Local Flood Authority initially raised an objection as the applicant had not provided any information regarding surface water drainage or flood risk, and the site may be at risk of flooding from surface water. Subsequently the applicant submitted additional information and as such the Lead Local Flood Authority have no objection to the proposed change of use.
Noise impacts	Welwyn Hatfield Borough Council Environmental Health department have been consulted in relation to this application they have not raised an objection to the application and are satisfied with the noise assessment submitted as part of the application.

## Conclusion

The proposed development is permitted development in accordance with Part 3 of Schedule 2, Class O, of The Town and Country Planning (General Permitted Development) (England) Order 2015 and prior approval of the transport and highways impacts of the development, contamination risks on the site, flooding risks and noise issues on the site is not required from the Local Planning Authority.

## Conditions:

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

J122/P01 & J1220/P02 & J1220/P03 & J1220/P04 & J1220/P05 & J1220/P06 & J1220/P07 & J1220/P08 received and dated 29th June 2016

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

## Informatives:

1. INFORMATIVES:

1. This written notice indicates that the proposed development would comply with Schedule 2 Part 3 Class O of the Town and Country Planning (General Permitted Development) Order 2015.
2. It is a requirement under Paragraph W of Schedule 2 Part 3 of the Town and Country Planning (General Permitted Development) Order 2015 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 O.1(c) of The Town and Country Planning (General Permitted Development) (England) Order 2015 that the use of the building falling within Class C3 (dwellinghouse) of the Schedule was begun after 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.
5. The applicant is advised that if in the future, in the event that the applicant undertakes any landscaping or soft grounds works then a full contaminated land investigation must be undertaken.

**Determined By:**

Mr M Robinson  
5 September 2016