

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

DELEGATED APPLICATION

Application No: 6/2017/1686/PN11
Location: 1-7 Fountain House Welwyn Garden City AL8 6AL
Proposal: Prior approval for a proposed change of use from office (Class B1) to residential (Class C3)
Officer: Ms L Hale

Recommendation: Prior Approval Required and Granted

6/2017/1686/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 located on the junction of Parkway and Howardsgate and relates to the first and second floors of the existing office building, Fountain House. The site is located in the town centre of Welwyn Garden City.</p> <p>The site seeks prior approval for the conversion of an office building (B1) to residential (C3).</p>
Relevant planning History	<p>Planning</p> <p>Application Number: N6/2000/1139/FP Decision: Granted Decision Date: 16 October 2000 Proposal: INSTALLATION OF AIR CONDITIONING UNITS</p> <p>Application Number: N6/2004/0531/FP Decision: Granted Decision Date: 08 June 2004 Proposal: RETENTION OF TWO AIR CONDITIONING UNITS ON EXTERNAL WALL AT FIRST FLOOR LEVEL AT REAR OF BUILDING</p> <p>Application Number: 6/2016/2174/COND Decision: Refused Decision Date: 08 December 2016 Proposal: Approval of details reserved by condition 2 (Materials) on planning permission N6/2004/1136/FP</p> <p>Application Number: 6/2016/2175/COND Decision: Refused Decision Date: 08 December 2016 Proposal: Approval of details reserved by condition 4 (Construction and section details of roof) on planning permission N6/2004/1136/FP</p> <p>Application Number: 6/2016/2176/COND Decision: Refused Decision Date: 08 December 2016</p>

	Proposal: Approval of details reserved by condition 5 (Section details for terrace) on planning permission N6/2004/1136/FP Application Number: 6/2017/0101/PN11 Decision: Withdrawn Decision Date: 28 March 2017 Proposal: Prior approval for a proposed change of use from office (Class B1) to residential (Class C3) to include the creation of 15 units	
Comments	Church House – Comments – <i>“It would seem that this revised application has at last taken into consideration the issues that could arise from the adjacent commercial premises at ground and first floor level and put in mitigating action to alleviate these issues. Hopefully the next application to replace windows etc will include proposals to make this prominent building more attractive and sympathetic to the conservation area, such shown as shown by the development of Denmark House.”</i>	
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	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	

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.

Discussion where matters require prior approval	
Transport and highways impacts of the development	<p>No objections have been raised by Highways England or Hertfordshire County Council Transport, Programmes and Strategy.</p> <p>It is noted that there are 14 apartments in total. 8 parking spaces are outlined within the site plan. Whilst it is noted that it is unclear whether these are solely associated within the application site, the site is located within Welwyn Garden City Town centre, which is a sustainable location. The site would be within walking distance to a range of shops and services and with good access to public transport including a train station and bus station. Accordingly the creation of 14 apartments 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. As such transport and highway issues are not objectionable.</p>
Contamination risks on the site	No comments have been raised regarding contaminated land and therefore no concerns are raised in this regard.
Flooding risks on the site	No comments have been received by the Environment Agency.
Noise impacts	<p>An extensive and detailed noise and ventilation assessment has been submitted and the Public Health and Protection department are satisfied with the proposed modifications and alterations of the premises to provide noise and vibration mitigation and have raised no objection.</p> <p>To secure these matters, a condition is attached that that requires that those recommendations stated in the report are implemented and that testing is undertaken in accordance with the report submitted (DJB/KH/6982/L2 dated 27th July 2017) to prove the efficiency and effectiveness of the noise mitigation and ventilation measure prior to occupancy of the dwellings. Furthermore that, the air conditioning, noise mitigation measures and associated equipment is thereafter maintained.</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, prior approval is not required 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).

Conditions:

1. The proposed modifications and alterations of the premises to provide noise and vibration mitigation stated in the acoustic consultants (AIRO) letter of submission ref: DJB/KH/6982/L2 and dated 27th July 2017 shall be implemented before any flat is occupied. The air conditioning and noise mitigation measures and associated equipment shall thereafter be maintained.

REASON: To ensure the impacts of externally generated noise on living conditions of the intended occupiers is minimised and to ensure a high standard of design as required by Policies D1 and D2 of the Welwyn and Hatfield District Plan 2005.

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
A_017	P2	Proposed Ground Floor	28 July 2017
A_018	P3	Proposed First Floor Plan	28 July 2017
A_019	P3	Proposed Second Floor Plan	28 July 2017
A_920	P2	Site Plan	28 July 2017
A_921	P1	Location Plan	28 July 2017
A_013	P3	Existing Ground Floor	28 July 2017
A_014	P3	Existing First Floor Plan	28 July 2017
A_015	P2	Existing Second Floor Plan	28 July 2017

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

Determined By:

Mr M Robinson
25 September 2017