

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

DELEGATED APPLICATION

Application No: 6/2018/1067/PN11
Location: Fountain House 1-7 Howardsgate Welwyn Garden City
 AL8 6AL
Proposal: Prior approval for change of use from offices B1(a) to
 dwellinghouses (C3) to include the creation of 18 apartments
Officer: Ms Clare Howe

Recommendation: Prior Approval Required and Granted

6/2018/1067/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 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 applicant seeks prior approval for the conversion of an office building (B1) to residential (C3).
Relevant planning History	Application Number: 6/2017/0101/PN11 Decision: Withdrawn Decision Date: 28 March 2017 Proposal: Prior approval for a proposed change of use from office (Class B1) to residential (Class C3) to include the creation of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 Application Number: 6/2017/1686/PN11 Decision: Prior Approval Required and Granted Decision Date: 25 September 2017 Proposal: Prior approval for a proposed change of use from office (Class B1) to residential (Class C3)
Comments:	<i>Neighbour Objection –</i> I strongly feel there are no provisions for parking for 18 new apartments in Fountain House WGC - there is already a struggle for the vast number of people that live in flats in the town centre and this will be worsened with an additional 18 flats where these days, most households have a car. It is also quite necessary to Have a car in the Welwyn Hatfield Borough as the transport isn't as accessible as say London and many people drive to work.
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	
Discussion where matters require prior approval		
Transport and highways impacts of the development	<p>Comments received from an objector on parking grounds have been acknowledged. As have the comments received from Hertfordshire County Council as Highway Authority, whom do not wish to restrict the grant of permission.</p> <p>It is acknowledged that there are 18 apartments in total and this prior approval does not identify any off street parking. Due to the site being within Welwyn Garden City Town centre, which is a sustainable location, the site is within walking distance to a range shops and services and with good access to public transport including a train station and bus station. The availability of alternative transport methods, facilities, and infrastructure in close proximity suggests the occupants would not be reliant upon car ownership. This does not preclude the wish of occupants to own and keep a motorised vehicle. The transport statement evidences a lower than average car ownership in the area, of 0.52 cars per household. Whilst car ownership of the occupants of the premises cannot be estimated or presumed, the restrictions in car parking in the area would suggest the ownership of a vehicle would not harm the safe use of the surrounding highways. Accordingly the creation of 18 apartments is not considered likely to result in a</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.

	material increase or a material change in the character of traffic in the vicinity of the site compared to the existing use. Therefore, no objections are raised regarding transport and highways.
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	Hertfordshire County Council has commented on the absence of a surface water management details, however, there is no requirement for applicants to provide an assessment with a notification for prior approval. The application site is not located within Flood Zone 2 or 3 and the area is not known to have critical drainage problems. Due to minimal flood risk within this area, and the type of development proposed, it is considered that the development would be unlikely to result in significant adverse harm by way of flooding.
Noise impacts	The proposed development would result in a noise sensitive use. To ensure the amenity of any future occupiers is protected it is reasonable, necessary and justified to apply a condition securing that that requires that those recommendations stated in the report are implemented and that testing is undertaken in accordance with the report submitted (DJB/6982/F dated 31 May 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.

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/6982/F dated 31 May 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
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A_018	P4	Proposed First Floor Plan	24 April 2018
A_920	P2	Site Plan	24 April 2018
A_015	P2	Existing Second Floor Plan	24 April 2018
A_013	P4	Existing Ground Floor Plan	24 April 2018
A_921	P1	Location Plan	24 April 2018
A_019	P4	Proposed Second Floor Plan	24 April 2018
A_014	P3	Existing First Floor Plan	24 April 2018

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

Determined By:

Mr Chris Carter
19 June 2018