

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

DELEGATED APPLICATION

Application No: 6/2019/0108/PN11
Location: 29 Broadwater Road Welwyn Garden City AL7 3BQ
Proposal: Prior approval for change of use from Offices (B1) to residential (C3) 72 Self Contained Flats
Officer: Ms Clare Howe

Recommendation: Prior Approval Required and Granted

6/2019/0108/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	29 Broadwater Road is a five storey commercial building with associated car parking, located on the eastern side of Broadwater Road. The premises is bounded by commercial buildings to the north and east, derelict land to the south, and Broadwater Road to the west. The applicant seeks prior approval for the change of use from offices (B1) to 73 residential self-contained flats (C3).	
Relevant planning History	Application Number: E/1963/0727/ Decision: Granted Decision Date: 07 June 1963 Proposal: Change of use to warehouse Application Number: E/1964/1471/OP Decision: Granted Decision Date: 17 August 1964 Proposal: Warehouse (Outline application)	
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,	Y	Y (was used)

(ii) in the case of a building which was in use before that date but was not in use on that date,		
(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	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>The applicant is not proposing to alter the existing access arrangements into the site and therefore it is considered that the proposal would not create a detrimental impact on the safety and flow of cars on the highway.</p> <p>In regards of trip generated by the proposed residential development it would typically generate fewer trips than a similar sized office use, in particular in the AM and PM peaks. The tidal flow of vehicle movements would change (outbound in the AM peak compared to the existing inbound trips generated by employment) but the level of trips is accepted by HCC to be lower. This has been demonstrated by the submitted Transport Statement.</p> <p>As for parking, at present there are 161 off-street parking spaces at the site. This significantly exceeds WHBC requirement of approximately 60 parking spaces for a development of this scale. Further to this, it is noted in the Transport Statement that 72 bicycle parking spaces will also be designated in the site.</p> <p>As such transport and highway issues are not objectionable. This view is shared with the Hertfordshire County Council Transport Programmes & Strategy Officer.</p>	
Contamination risks on the site	No objection.	
Flooding risks on the site	The application site is located within flood zone 1.	

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.

	<p>The Lead Local Flood Authority have raised objection requesting a need for details to be submitted regarding the surface water management of the site. However, given that the development includes internal changes to achieve converting the offices to residential flats, the development would not give rise to a significant alteration in the existing surface water currently. As such, it is considered that a Surface Water Management document is not necessary in this instance.</p> <p>Prior approval is not required for surface water drainage and therefore it would be unreasonable to refuse prior approval on these grounds. Subsequently there is no objection in regards to flood risk on the site.</p>
Noise impacts	<p>An objection was originally raised regarding the need for a BS4142:2014 noise assessment. Since the objection, the applicant has submitted a Noise Impact Assessment (report no. REG/7205/B Dated 16th April 2019). Following receipt of this document there is no objection regarding noise. This view is shared with the Public and Protection Health Officer.</p>

DRAWING NUMBERS

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
BRW01 - MCN-XX-DR- A-0300	SO-P3	Conversion Scheme	18 January 2019
BRW01- MCB-ZZ-00- DR-0100	SO-P2	Location Plan	23 January 2019
BRW01- MCB-XX-00- DR-A-0101	SO-P2	Site Plan	23 January 2019

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

Informatives:

1. All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Council, shall be carried out only between the hours of :
8.00am and 6.00pm on Mondays to Fridays
8.00am and 1.00pm Saturdays
and at no time on Sundays and Bank Holidays
2. The best practicable means, as defined in section 72 of the Control of Pollution

Act 1974, to reduce noise to a minimum shall be employed at all times

3. All plant and machinery in use shall be properly silenced and maintained in accordance with the manufacturers' instructions

4. All compressors shall be sound reduced models, fitted with properly lined and sealed acoustic covers, which shall be kept closed whenever the machines are in use. All ancillary pneumatic percussive tools shall be fitted with mufflers or silencers of the type recommended by the manufactures.

5. All machines in intermittent use shall be shut down during intervening periods between work, or throttled down to a minimum. Noise emitting equipment, which is required to operate continuously, shall be housed in suitable acoustic enclosures.

6. Items of plant and equipment shall be maintained in good condition so that extraneous noise from mechanical vibration, squeaking or creaking is reduced to a minimum.

7. All pile driving shall be carried out by a recognised noise reducing system.

8. Where practical, rotary drills and bursters, actuated by hydraulic or electric power shall be used for excavating hard material

9. In general, equipment for breaking concrete and the like, shall be hydraulically actuated.

10. 'BS 5228 Noise Control on Construction Sites' should be referred to for guidance in respect of all work carried out by the developer, their main contractor and any sub contractors.

11. Any emergency deviation from these conditions shall be notified to the Council without delay

12. Any planned deviations from these conditions for special technical reasons, shall be negotiated with Council at least 14 days prior to the commencement of the specific work.

13. Permissible noise levels are not specified at this stage.

2. **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. 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.

Determined By:

Mr Michael Robinson
29 April 2019