

5i 3/13/0946/PO – Prior Notification application for Change of Use from Class B1 (office) to Class C3 (dwellings) at High Oak House, Collett Road, Ware, SG12 7LY for High Oak Group

Date of Receipt: 31.05.2013

Type: Prior approval

Parish: WARE

Ward: WARE – CHRISTCHURCH

RECOMMENDATION:

That prior approval is not required in respect of transport and highways impacts; contamination risks on site; and flooding risks prior to beginning the development.

_____ (094613PO.AY)

1.0 Background:

- 1.1 Members will be aware that the government introduced a new range of permitted development (PD) rights in May of this year. These changes include the ability to change the use of a building from an office use to residential use without the need for planning permission to be sought (provided that the building is not a listed building).
- 1.2 For many of these new PD rights (including those that permit a change from office to residential use) an associated ‘prior approval’ process has however also been introduced. This remains a form of approval that is required from the Council, as local planning authority, before development can be undertaken.
- 1.3 However there are two significant differences between the prior approval and planning permission processes. These are:
- the issues that can be considered in reaching the decision in relation to a prior approval matter are limited and defined in legislation;
 - if the local planning authority does not issue a prior approval decision within a specified timescale, the development is deemed to have been approved by default.
- 1.4 Due to the very limited timescales involved in these applications, and the grant of permission by default if the Council does not make a decision within those timescales, an amendment to the Council’s

Constitution is being sought at next Full Council on 24th July. That will enable authority to be delegated to officers to determine these types of application in the same way that other 'prior approval' applications are currently dealt with.

- 1.5 However, the application that is the subject of this report, requires a decision to be made, and received by the applicant, by 25th July. Accordingly, the application is being reported to committee so that there is sufficient time for the decision to be dispatched and received by the applicant by that date.
- 1.6 The proposal in this case is to change the use of High Oak House to Class C3 residential use in the form of 9 flats (6 two bed flats and 3 one bed flats). The proposal involves only internal alterations, utilising existing windows and means of access. No external alterations are proposed.
- 1.7 As set out previously, this proposed change of use is now permitted development. The legislation only requires the Council to determine whether prior approval is required in respect of the following matters:
- a) transport and highway impacts;
 - b) contamination risks on the site; and
 - c) flooding risks on the site
- 1.8 The local planning authority can determine that prior approval is not required; or it can require further details to be submitted and then either grant or refuse prior approval.

2.0 Site History:

- 2.1 Planning permission was refused for the conversion of the building to flats in 2007 (ref: 3/07/1163/FP) on the grounds of the impact of the proposals on the residential amenity of neighbouring occupiers, the sustainability of retaining local employment and the potential for the residential use to create greater pressure for vehicle parking in the area.
- 2.2 The only other planning history relates to the extension of the building in 1988.

3.0 Consultation Responses:

- 3.1 The Highway Authority raises no objection to the proposal as it represents a de-intensification of use of the site from a highways

aspect.

3.2 The Councils Environmental Health Unit have submitted no response at the date of submission of this report. Any subsequent update will be reported to the committee.

3.3 No consultation was necessary with the Environment Agency on flooding grounds as the site is not located within the most sensitive flood zones 2 or 3.

4.0 Representations:

4.1 Neighbouring occupiers have been consulted and a site notice displayed.

4.2 As a result, one letter of representation has been received from a local resident who objects to the proposal on the grounds of loss of privacy and noise, especially during the evenings and weekends (as the office use was not used at these times). They also query where the parking spaces would be located and consider that parking provision is currently inadequate. They consider that the proposal should be rejected on the same grounds as the earlier application for planning permission in 2007.

5.0 Policy:

5.1 The prior notification process does not permit the proposal to be considered against the policies of the Local Plan. Only the impacts in relation to highways; contamination risk and flooding risk, as set out above, can be considered.

5.2 The legislation does however indicate that, in determining the application, the local planning authority should have regard to the NPPF (National Planning Policy Framework) as if it were a planning application.

6.0 Considerations:

6.1 The points raised by the neighbouring occupier in their response are acknowledged. Members will note that those which relate to the impact on amenity cannot be given weight in the consideration of this matter due to the limited range of issues that the legislation specifies can be taken into account. The impact of parking provision on highways matters is considered below. Consideration of the proposals in relation to the relevant issues then is as follows:

Transport and Highways impacts

- 6.2 In this case, Officers do not consider that the proposal would result in a material increase in traffic or a material change in the character of traffic in the vicinity of the site. Indeed, the Highway Authority has indicated that the proposal is likely to result in a decrease in traffic compared to the previous office use.
- 6.3 In relation to vehicle parking, the applicant indicates that the building has the potential to accommodate between 70 and 80 staff. Currently there are 32 parking spaces available for the use. These are located both adjacent to the building and at a detached location to the north of the site. Clearly, if each of the potential staff working at the site travelled to it in their own vehicle there would be insufficient parking available.
- 6.4 Nine flat units are proposed (6 x 2 bed and 3 x 1 bed). The location is zone 4 in terms of the Council's parking standards and therefore, if provision were made in accordance with the standards, approx 13 spaces would be required. It is considered that sufficient parking is available, such that the proposed use is unlikely to result in on highway parking that would have an unacceptable highway or transport impact. Having considered the guidance set out in the NPPF in this respect it is considered that the proposals are acceptable and therefore any further prior approval is not considered necessary in relation to this matter.

Contamination risks

- 6.5 The older front part of the building has been in use as offices since at least 1929. There is no evidence of the site having ever been used for any industrial processes and the site does not appear on any registers of contaminated land maintained by the Council. Subject to the input from the Environmental Health service, Officers are satisfied that prior approval as to contamination risks is not required in this case.

Flooding risks

- 6.6 The site does not lie within an area liable to flood or where the local planning authority has been notified of a critical drainage problem. Consultation with the Environment Agency was not therefore required in this case and Officers are satisfied that prior approval is not required in respect of any flooding risks resulting from the development.

7.0 **Conclusion:**

7.1 In conclusion, Officers consider that this proposal would not result in any adverse impacts in respect of the three matters that the Council is required and able to consider under the 'prior approval' process. No additional information is required in respect of any of these matters and it is therefore recommended that prior approval is not required in this case.