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PLANNING DEPARTMENT  
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12 JAN 2012

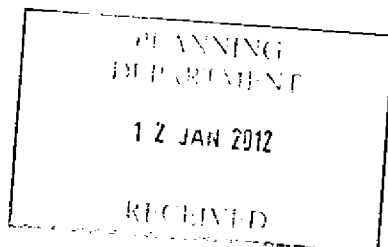
2012/0083



11 January 2012

Planning Development Control  
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Dear Sirs

**UNIT 129, THE GALLERIA, COMET WAY, HATFIELD, HERTFORDSHIRE, AL10 0XR**

On behalf of Land Securities Galleria Limited, please find enclosed a planning application for the temporary change of use of the above-mentioned unit from an exhibition area to a children's play area. To this end, four copies of all the relevant forms, plans and certificates are enclosed, together with a cheque for the sum of £335.00, made payable to Welwyn Hatfield Borough Council in respect of the requisite planning application fee.

The application proposals have been prepared by taking into account the relevant provisions of the saved policies of the adopted Welwyn Hatfield District Local Plan (2005).

**The Application Drawings**

For the avoidance of any doubt, the proposed planning application comprises of the following:

- Drawing No. 1825/SK101/P01 - Site Location Plan (1:2500)
- Drawing No. 1825/SK01/P01 - Proposed Floor Plan (1:500)
- Drawing No. 1825/SK02/P01 - Proposed Floor Plan (1:100)
- Drawing No. 1825/SK03/P01 - Proposed Elevation (North)
- Drawing No. 1825/SK04/P01 - Proposed Elevation (West)
- Drawing No. 1825/SK05/P01 - Proposed Elevation (South)
- Drawing No. 1825/SK06/P01 - Proposed Elevation (East)
- Drawing No. 1825/SK07/P01 - Section AA (Showing North Elevation)
- Drawing No. 1825/SK08/P01 - Isometric View 1
- Drawing No. 1825/SK09/P01 - Isometric View 2
- Drawing No. 1825/SK10/P01 - Existing Floor Plan (1:100)
- Soft Play Brochure
- Sustainability Checklist
- Biodiversity Checklist
- Supporting Planning Statement - Covering letter dated 11 January 2012

**The Site and the Surrounding Area**

The application site comprises an exhibition area within The Galleria Outlet Centre, which is situated at Level 1 of the main building. This exhibition area has a gross internal floor area of 606 sqm.

## **Planning History**

Although the planning history in relation to The Galleria Outlet Centre is very extensive, Unit 129 has the benefit of a use as an exhibition area.

Unit 129, like all the other units within the Centre shares all the various facilities in terms of servicing, fire escapes, access via stairs and lifts, car and cycle parking and other amenity facilities associated with the Centre.

## **The Application Proposals**

The proposal seeks a temporary change of use of Unit 129 from an exhibition area, which is presumably a Class D1 use, to a children's play area, which is also a Class D1 use, by way of a flexible planning permission.

The applicant, whilst supporting the proposed interest in the unit as a children's play area, equally does not wish to extinguish the current lawful use of the unit as an exhibition area. This is because the lease proposed to be granted to the tenant, will be for a period of 10 years and should the tenant terminate the lease early, the applicant would like to have the flexibility of either finding a replacement tenant operator for the children's play area or reverting back to the original use as an exhibition area.

In light of the above, a flexible planning permission is sought for use as either an exhibition area and/or children's play area under the provisions of Part 3, Class E of the Town and Country Planning (General Permitted Development) Order 1995 to enable either use to be carried out within a period of up to 10 years. This would also allow dual use of the premises during the 10 year period in the event that the children's play area were not to utilise all of the floorspace. After the expiry of the 10 year period, or sooner if the children's play area use ceased, the use would revert to an exhibition area.

## **Planning Assessment**

In terms of the saved policies contained within the adopted Welwyn Hatfield District Local Plan (2005), there are no specific planning policies, which deal with changes of use in out of centre shopping locations and therefore each case would need to be considered on its individual merits.

## **Use**

The proposal would involve the temporary substitution of one type of Class D1 use for another and therefore it would not be increasing or decreasing the level of Class D1 floorspace in this out of centre location. Hence, the shopping role and function of the Centre would remain unchanged. Furthermore, the proposed flexible planning permission seeks, in the long term, to preserve the use as an exhibition area associated with the unit. In other words, the proposed planning application for a flexible planning permission is seeking to fulfil a temporary requirement and this is reflected by the 10 year length of the lease.

The proposed use as a children's play area is seen as being complementary to all of the prevailing uses within the Centre, and like the current lawful use, it would result in multi-purpose shopping trips and not a destination use in its own right.

The rationale behind the proposed use as a children's play area is to provide shoppers with children with an ancillary facility within the Centre, where they would be able to provide their

children with healthy activities, exercise and social interaction as part of the overall shopping experience and to also provide vitality and vibrancy within the Centre.

The aim of the proposed facility is to better the lives of children through play. The play area would stimulate children physically, mentally, emotionally, creatively and socially. The arrangement of the different types of playground components creates a maze that entertains and excites children as they can strategically plan their way to their favourite activity. The many different configurations of the play area allow children to interact with each other and learn, share, be courteous and be patient while having fun.

There are a total of 20 different featured components within the children's play area, which include the following: activity panel, binoculars, bucket kideroy, criss cross, hover ring, log roll, V rope bridge, po-go power, rock course, sky wheels, stand 'n' spin, squeeze, spiral slide, talk tube, triple slide, tree climb, tube crawl, toddler fence, wobble hopper and window panel. These activities between them help to foster balance, cardio, upper body and fun and games.

The proposed use is aimed at children up to the age of 14. The children's play area would be self-contained and it would work in conjunction with the Child Safe scheme that already operates throughout the Centre. Use of the children's play area will be through the purchasing of a ticket on site and parents or guardians of children will not be allowed to leave their children within the children's play area unaccompanied. Seating and waiting areas would be available around the play area, which would allow parents or guardians to monitor the children.

The proposed children's play area is therefore an ancillary, complementary or perhaps even a parasitic use because it is feeding off customers with children that would be making their visit to The Galleria in any event. It is not a destination facility in its own right.

### **Hours of Operation and Staff Numbers**

The proposed children's play area would normally operate on Monday to Saturday between the hours of 10.00am and 6.00pm and it would operate on Sunday between the hours of 11.00am and 5.00pm. These hours of operation may be extended during the Easter and Christmas periods and during any extended shopping hours associated with the main Centre.

This would be broadly similar to the hours operated by the main Centre given its complementary relationship and function. The proposed use as a children's play area would employ 6 full time or part time equivalent staff, who would undertake the necessary administrative and customer facing roles in the running of the facility. All staff will be first aid trained.

### **Design Considerations**

No changes are proposed to the external appearance of the Centre and hence there are no such considerations before the Council.

However, the proposed children's play area equipment is the collection of various component parts, which are constructed in a variety of materials, and they are all brought together in a very articulated structure as can be appreciated from the isometric views of the proposal.

In broad terms, the proposed children's play area would measure 13 metres by 13 metres with a maximum height of 9 metres and lowering to 7 metres, 6 metres and 5 metres in respect of the component sections. It would be centrally positioned within the area of Unit

129 and the cross section drawing through the Centre (Drawing No. 1825/SK07/P01) demonstrates that it would maintain a very subservient and interesting relationship with the remainder of the Centre. In fact, it would provide a central focal point within the Centre.

The proposed children's play area equipment has undergone all the various health and safety testing and the materials deployed in its construction meet all the various health and safety standards.

### **Amount, Layout, Scale, Landscaping and Appearance**

No changes are proposed insofar as the meaning of development is concerned in relation to any of the above. The proposal is for the change of use of an existing unit, which is situated internally within the Centre.

Other than the proposed change of use, the only other change would involve the erection of the children's play area equipment, which has been described in detail above in terms of use, function, facilities and appearance.

### **Daylighting, Sunlighting, Overlooking and Privacy**

The proposed development would have no implications insofar matters of daylighting, sunlighting, overlooking and privacy are concerned as these matters were long established in respect of the original consent for the Centre.

### **Centre Management and Shared Facilities**

The applicant in capacity of Centre owner and manager is responsible for the provision, care and maintenance of all the shared services and facilities and these would continue to be provided to the highest standards and in compliance with any regulations.

To this end, matters such as servicing, fire escapes, emergency access, staff and customer parking, public access together with inclusive access, sustainability and general well being would all be co-ordinated through the Centre management, which would be applicable to all the units in order to maintain the highest standards of health and safety.

### **Conclusion**

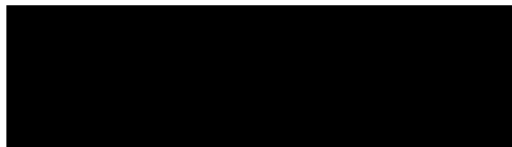
In my assessment of the proposed development, I have demonstrated in all respects that the application proposal would not be in conflict with any relevant saved policies of the adopted Local Plan.

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that where a proposal is in accordance with the Development Plan and there are no other material considerations to indicate otherwise, there should be a presumption in favour of the proposed development. In view of this statutory requirement, I would hope that your Council would support my client's development proposals and grant a temporary and flexible planning permission.

I trust that all the application papers and plans are complete and once the planning application has been registered, I will endeavour to contact the relevant Officer to ascertain his views and a timescale to a decision.

In the meantime, please do not hesitate to call me if you have any queries and I will endeavour to assist in any way I can.

Yours faithfully



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Encls.