

WELWYN HATFIELD COUNCIL
PLANNING CONTROL COMMITTEE – 25 SEPTEMBER 2008
REPORT OF THE CHIEF PLANNING AND ENVIRONMENTAL HEALTH OFFICER

S6/2008/1128/FP

INFILL BENEATH GALLERIA NORTH BUILDING (CINEMA) TO CREATE CLASS A3/A5 RESTAURANT UNITS

THE GALLERIA, COMET WAY, HATFIELD, AL10 0XR

APPLICANT: L.S. Galleria Limited

(HATFIELD CENTRAL)

1 Site Description

1.1 The Galleria is a major shopping and leisure facility located between junctions 3 and 4 of the A1(M) motorway. The Galleria was constructed between 1988 and 1991 on top of the motorway tunnel and adjacent to Comet Way (A1001) which provides access to the site. The application site is located towards the northern end of the Galleria beneath a cinema complex at first floor level and consists partly of an open undercroft and partly three existing restaurant units fronting onto the undercroft, namely McDonalds and Frankie & Benny's on the east side and Burger King at the south western corner.

2 The Proposal

2.1 This application seeks full planning permission for infill beneath Galleria North building (Cinema) to create four Class A3 Restaurants & Cafés/A5 Hot Food Take-away units with a total 750sqm of additional floorspace. The proposed scheme is largely the same as planning permission S6/2008/0215/FP granted by the Planning Control Committee on the 10 April 2008, the major difference being a reconfiguration of existing cinema escape stairs to improve the internal layout and external appearance.

2.2 The scheme will follow the form and aesthetic of the existing Galleria, and in particular that of Galleria North. The proposed restaurant units 70, 71 and 72 would form the western side of an internal mall, with the existing two units (McDonalds and Frankie & Benny's) forming the opposite side.

2.3 A loading bay would be located to the rear (west) of the proposed units. A refuse area enclosed by a 2m high screen is proposed to the rear (west) of existing unit 131 (Burger King). A second refuse area would be located to the rear (west) of unit 72.

2.4 On the east side, adjacent to the existing lift, the existing 'scissor' escape stair is to be redirected to exit on the outside of the building. This alteration provides space for another small, mall facing restaurant unit (132). Unit 132 will be serviced from an existing loading bay.

- 2.5 The existing doors and lobby adjacent to the escalators leading up to the cinema lobby are to be removed and the area in general reconfigured to better link the cinema with the proposed mall. Fully glazed entrances would be introduced, with automatic sliding glass doors at either end of the proposed mall. These would be contained within the new entrance portals. The proposed entrance portals would be larger than those approved under planning application S6/2008/0215 measuring approximately 2.4m in depth x 7.4m in width x 5.8m in height.
- 2.6 All external signage for both the Galleria and tenant's fascia signs, etc, will be subject to a separate advertisement application as necessary.

3 Planning History

- 3.1 The relevant history to this particular planning application is:

S6/2008/0215/FP - Infill Beneath Galleria North Building (Cinema) to Create Class A3/A5 Restaurant Units (Granted)
S6/1999/960/FP - Infill Beneath Pod Building (Cinema). (Renewal of Planning Permission S6/0074/95/FP) (Granted)
S6/0074/95/FP - Infill Beneath Pod Building (Cinema). Renewal of Consent Granted S6/0070/90/FP (Granted)
S6/0070/90/FP - Infilling Beneath Pod Building (Cinema) To Form 680 Sq M Retail Floorspace (Granted)
S6/0075/87/FP - Retail Development with Associated Leisure Facilities (Granted)

4 Planning Policy

- 4.1 National Planning Guidance:

PPS1 Delivering Sustainable Development
PPS6 Planning for Town Centres
PPG13 Transport
PPG14 Development on Unstable Land

- 4.2 East of England Plan 2008:

SS1 Achieving Sustainable Development
SS2 Overall Spatial Strategy
T4 Urban Transport
T8 Local Roads
T9 Walking, cycling and other non-motorised transport
T14 Parking
ENV7 Quality in the Built Environment
ENG1 Carbon dioxide emissions and energy performance
WM6 Waste management in development

- 4.3 Hertfordshire Structure Plan 1991 – 2011:

None

4.4 Welwyn Hatfield District Plan 2005:

SD1 Sustainable Development
R1 Maximising the Use of Previously Developed Land
R3 Energy Efficiency
GBSP2 Towns and Specified Settlements
TCR3 Out of Centre Retail Development
D1 Quality of Design
D2 Character and Context
D3 Community and Enclosure
D4 Quality of the Public Realm
D5 Design for Movement
D7 Safety by Design
M4 Cycle Routes and Facilities
M14 Parking Standards for New Developments
Supplementary Design Guidance (Statement of Council Policy) February 2005

5 Representations Received

5.1 The application was advertised by site notice and neighbour notification letters. No letters of representation were received.

6 Consultations

6.1 **Hertfordshire County Council Highways** – Hertfordshire County Council as Highways Authority does not wish to restrict the grant of planning permission subject to planning conditions.

6.2 **Environmental Health** – None

6.3 **Highways Agency** – No objection subject to recommended planning conditions.

7 Town Council Comments

7.1 No comments have been received from Hatfield Town Council.

8 Discussion

8.1 This application is being brought to committee for determination as it is a departure from the Local Plan.

8.2 The main issues in the consideration of this application are:

- 1. Principle of Proposed Development**
- 2. Quality of Design and Character of the Area**
- 3. Impact on the Amenity of Adjoining Occupiers**
- 4. Accessibility**
- 5. Highways and Parking Issues**
- 6. Sustainable Development**
- 7. Chalk Mining**

1. Principle of Proposed Development:

- 8.3 The proposed scheme is largely the same as planning permission S6/2008/0215/FP granted by the Planning Control Committee on the 10 April 2008, the major difference being a reconfiguration of existing cinema escape stairs to improve the internal layout and external appearance. The principle of Class A3/A5 units has therefore been established.

2. Quality of Design and Character of the Area:

- 8.4 National Planning Guidance PPS1 Delivering Sustainable Development requires planning authorities to plan for high quality design which is appropriate in its context. Policies D1 and D2 of the Welwyn Hatfield District Plan 2005 respectively require high quality design in all new development and for proposals to respect and relate to the character and context of their location. Policy D7 requires the design of new development to contribute to safer communities, to help with the reduction of the fear of crime.
- 8.5 The proposal aims to create an attractive north entrance to the north building. The architectural style, windows, detailing and materials are appropriate to the original building and the design of the scheme does not have an adverse visual impact upon the character and appearance of the area. The existing restaurants front onto the open undercroft which can be a windswept environment lacking in light. The proposed mall would infill the under-utilised area providing a much improved environment for visitors not only in terms of visual appearance but also improved access and security. The development of the undercroft has previously been considered desirable for these reasons. The proposed amendments to the extant scheme would improve the appearance of the northern elevation by reconfiguring the fire escape stairs to exit on the west elevation which is less prominent. The increased size of the entrance portals would have minimal impact on the overall appearance of the development and would remain subordinate and of a scale appropriate to the original building. The proposal therefore complies with Policy D1 and D2 of the Welwyn Hatfield District Plan 2005 and criteria outlined in the Supplementary Design Guidance (Statement of Council Policy).

3. Impact on the Amenity of Adjoining Occupiers:

- 8.6 Neighbouring properties would suffer no loss of amenity in terms of overlooking, loss of privacy, daylight or overbearing effect. A planning condition would require a scheme for the extraction and filtration of cooking fumes to be implemented in accordance with details submitted to and agreed in writing by the local planning authority. There have been no objections to the proposed development from either Hatfield Town Council or neighbours. The proposal therefore complies with Policy D1 of the Welwyn Hatfield District Plan 2005 and criteria outlined in the Supplementary Design Guidance (Statement of Council Policy).

4. Accessibility:

- 8.7 The internal mall has been designed to secure easy access and circulation for all. Automatic entrance doors with level thresholds would accommodate wheelchair users. Internally, surfaces would be slip resistant and lighting has been designed to eliminate potential visual confusion. All proposed units would have a level or ramped approach and feature accessible toilet facilities. Existing lift access to the cinema lobby would be retained providing full access to the Galleria. The proposed

internal mall will form an important circulation route, connecting the north car park with the Galleria as a whole, significantly improving the current undercroft path. The proposed scheme is therefore in accordance with Policies D1, D3, D4 and D5 of the Welwyn Hatfield District Plan 2005 and criteria outlined in the Supplementary Design Guidance (Statement of Council Policy).

5. Highways and Parking Issues:

- 8.8 Hertfordshire County Council as Highways Authority made no objection subject to planning conditions. Hertfordshire County Council confirmed that the proposed amendments would not impact on the highway and that the comments made in relation to planning application S6/2008/0215/FP still apply. The Highways Agency confirmed that the proposal would not have a detrimental affect on the A1(M). However, due to the application site being located above the Hatfield Tunnel, two planning conditions are recommended which were required by the Sectary of State in granting outline planning permission for the Galleria (S6/0075/87/FP) to ensure that the development does not prejudice the structural integrity and safety of the tunnel or its users.
- 8.9 The proposed amendments would have no impact upon the level of parking provision considered acceptable under planning application S6/2008/0215/FP. The proposal complies with Policies M6 and M14 of the Welwyn Hatfield District Plan 2005 and Supplementary Planning Guidance, Parking Standards, January 2004 and Policies T4, T8, T9 and T14 of the East of England Plan 2008.

6. Sustainable Development:

- 8.10 The proposal does not specifically specify how the development contributes to sustainable development or energy efficiency. However, the proposal would create an additional 30-40 jobs to the local labour market. The provision of A3/A5 facilities would encourage many residents to eat locally as apposed to travelling to other centres such as St. Albans or Welwyn Garden City.
- 8.11 The applicant, LS Galleria Ltd (a subsidiary of Land Securities plc) advise that they have a comprehensive environment policy in place, including environmental, energy and waste management systems and policies for the reduction of CO2 emissions. In compliance with their policies the scheme will be built to the best feasible levels of sustainability and energy conservation. The new building envelope will utilise appropriate sustainable materials and achieve high levels of insulation. No specific information has been submitted in regards to these measures. Additional energy needs e.g. for the mall ventilation and heating will be met by energy efficient, and if possible sustainable means. Tenants of the new units will be expected to follow the Landlord's criteria in respect of sustainability and energy conservation.

7. Chalk Mining:

- 8.12 The application site is located in the Hatfield chalk mining assessment area. However, as the Galleria and the entire application site were constructed above the Hatfield Tunnel, the risk from chalk mines is therefore not applicable.

9 Conclusion

- 9.1 The proposed scheme is in accordance with the criteria set out in PPS6 and Welwyn Hatfield District Plan Policy TCR3 therefore the principle of A3/A5 use is considered acceptable. The design of the proposed scheme would improve the environment for visitors not only in terms of visual appearance but also improved access and security in accordance with Policies D1, D2, D3, D4, D5 and D7. Therefore, the proposal complies with the relevant national policies and guidance, policies within the East of England Plan 2008, the Welwyn Hatfield District Plan 2005 and the requirements of the Supplementary Design Guidance (Statement of Council Policy).

10 Recommendation

- 10.1 It is recommended that planning application S6/2008/1128/FP be granted subject to the following conditions:

1. C.2. 1 – Time Limit for Commencement of Development
2. C.13.1 – The development/works shall not be started and completed other than in accordance with the approved plans and details 1407/SK04 P08 Date Stamped 18/03/2008 and 1407/SK10 P02 & 1407/SK01 P04 & 1407/SK02 P03 & 1407/SK03 P03 & 1407/SK05 P03 & 1407/SK06 P03 received and dated 25 July 2008
3. C.5.2 – Matching Materials
4. C.7.2 – Extraction and filtration Equipment
5. C.8.12 – No Occupation Until Spaces Laid Out (insert ‘disabled’ between ‘the area set aside for’ and ‘car parking shall’)

6. Before occupation of the development the footway/cycleway across this site between St Albans Road West and the A1001 as shown on the drawing No.1407/SK04 P09 shall be completed and constructed to the specification of the Highway Authority and Local Planning Authority’s satisfaction.

REASON: To ensure that pedestrian and cycle access across the site is safeguarded in accordance with Policy M6 of the Welwyn Hatfield District Plan 2005 and Policy T9 of the East of England Plan 2008.

7. No development should take place until full details on a suitably scaled plan of screening to refuse areas have been submitted to and approved in writing by the Local Planning Authority. Subsequently, these works shall be carried out as approved.

REASON: Screening of the refuse area is required in order to protect and enhance the visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted in accordance with Policy D1 of the Welwyn Hatfield District Plan 2005.

8. Notwithstanding the provisions of The Town and Country Planning (Use Class) Order 1995 (and any order revoking or re-enacting that order with or without modification), the permitted use of the buildings hereby approved shall be for Use Class A3 and A5 and for no other use within Class A.

REASON: To enable the Local Planning Authority to fully consider any change of use to ensure the vitality and viability of the existing Town Centre

(Hatfield) is not prejudiced in accordance with PPS6 and Policy TCR3 of the Welwyn Hatfield District Plan 2005.

9. Except where special provision has been made in the technical design or as agreed in writing by the Local Planning Authority after construction with the Department of Transport:
 - a) No buildings erected on the tunnel structure shall have an applied loading greater than 13Kn/m² or shall be more than two storeys high;
 - b) No materials stored on the tunnel structure shall exceed an applied loading greater than 13Kn/m²

REASON: Required by the Secretary of State for the Environment in granting outline planning permission for the scheme, to ensure that the development does not prejudice the structural integrity and safety of the tunnel or its users.

10. No explosive or flammable materials including petrol shall be stored on or within 3m of the tunnel structure.

REASON: Required by the Secretary of State for the Environment in granting outline planning permission for the scheme, to ensure that the development does not prejudice the structural integrity and safety of the tunnel or its users.

Informatives

None

SUMMARY OF REASONS FOR THE GRANT OF PERMISSION:

The proposal has been considered against National Planning Policy PPS1, PPG6, PPG13, PPG14 and Policy SS1, SS2, T14, T4, T8, T9, WM6, ENG1 and ENV7 of the East of England Plan 2008 and development plan policies (i.e. Welwyn Hatfield District Plan 2005 GBSP2, D1, D2, M6, TCR3, M14, SD1, R3 and Supplementary Design Guidance), in addition to the Human Rights Act 1998, which indicate that the proposal should be approved. Material planning considerations do not justify a decision contrary to the Development Plan (see Officer's report which can be inspected at these offices).

Chris Conway, Chief Planning and Environmental Health Officer (MP)

Date 04/09/08

Background papers to be listed – None

