

WELWYN HATFIELD COUNCIL – DEVELOPMENT CONTROL
DELEGATED REPORT

APPLICATION No:	S6/2009/0360/FP
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NOTATION:

This site is located within the town of Hatfield as outlined in the Welwyn Hatfield District Plan 2005.

DESCRIPTION OF SITE:

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 at the south west corner of the Galleria site and consists of level 6 of the multi-storey car park.

DESCRIPTION OF PROPOSAL:

This application seeks full planning permission for six month temporary change of use of level 6 car parking for use as car boot sale on Sunday mornings.

Temporary change of use for six months of level 6 car parking for use as car boot sale on Sunday mornings was granted under planning application S6/2008/0761/FP. This temporary six month period expired 31 December 2008.

The current planning application is seeking an increased number of stalls from 47 to a maximum of 136 and to extend the hours of operation between 7:00am and 12:00pm.

PLANNING HISTORY:

Planning applications relevant to the multi-storey car park:

S6/2008/2308/FP - Permanent Change of Use of Level 6 Car Parking for Use as Car Boot Sale on Sunday Mornings (Refused 12 February 2009)

Reason for refusal of planning application S6/2008/2308/FP:

1. The proposed permanent change of use of level 6 car parking for use as car boot sale on Sunday mornings together with the expansion of the operation would have an adverse effect on the vitality and viability of Hatfield Town Centre. The proposed car boot sale if permitted would give rise to a significant amount of potential trade being diverted away from Hatfield Town Centre harming its vitality and viability. The proposals therefore fail to comply with PPS6 and Policies TCR3 and TCR30 of the Welwyn Hatfield District Plan 2005.

S6/2008/0761/FP - Temporary Change of Use for Six Months of Level 6 Car Parking for Use as Car Boot Sale on Sunday Mornings (Granted)

S6/2000/0639/FP - Conversion of Part of Multi-Storey Car Park and Service Road to Form Additional Retail Space, and Provision of New External Car Parking Spaces (Granted)

S6/87/0075/FP - Retail Development with Associated Leisure Facilities (Granted)

SUMMARY OF DEVELOPMENT PLAN POLICIES:

National Planning Policy:

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

East of England Plan 2008:

SS1 Achieving Sustainable Development
T14 Parking

Hertfordshire Structure Plan Review 1991 – 2011:

None

Welwyn Hatfield District Plan 2005:

SD1 Sustainable Development
GBSP2 Towns and Specified Settlements
TCR3 Out of Centre Retail Development
TCR30 Car Boot Sales and Other Temporary Sales
D1 Quality of Design
M14 Parking Standards for New Developments
Supplementary Planning Guidance, Parking Standards, January 2004

CONSULTATIONS

Hertfordshire County Council – Transportation Planning and Policy: Do not wish to restrict the grant of permission.

Environmental Health – Do not object but suggest an informative.

TOWN/PARISH COUNCIL COMMENTS

Hatfield Town Council objected to the proposal considering the volume of traffic and noise inappropriate for a Sunday morning. However, the objection was received by Welwyn Hatfield Council 30th March 2009 after the consultation period and the call in period expired.

REPRESENTATIONS

The application was advertised by site notice and neighbour notification letters.

Notification expired 20 March 2009.

No letters of representation were received.

DISCUSSION:

The main issues are:

- 1. Principle of Proposed Development**
- 2. Impact on the Amenity of Adjoining Occupiers**
- 3. Highways and Parking**
- 4. Sustainable Development**
- 5. Chalk Mining**

1. Principle of Proposed Development

Temporary change of use for six months of level 6 car parking for use as car boot sale on Sunday mornings was granted under planning application S6/2008/0761/FP. The temporary six month period expired 31 December 2008. The current proposals differ from the previous consent by virtue of the significant expansion of the operation in terms of the number of stalls and hours of operation. It is proposed to increase the number of stalls from 47 to a maximum of 136, amounting to an increase in trading of up to 190%. The hours of operation would extend from four hours to five hours per week.

National Planning Policy Guidance Planning Policy Statement 6: Planning for Town Centres sets out the following key planning objectives:

- Promoting vitality and viability of the town centre
- Enhancing consumer choice
- Improving accessibility
- Encouraging investment in disadvantaged areas
- Delivering more sustainable patterns of development; and
- Promoting high quality hand inclusive design

The proposed car boot sale, although a sui generis use, is a form of retail sales. The 2005 Local Plan has no specific policies in regards to the Galleria Outlet Centre only District wide Policy TCR3 which sets out the criteria for new retail development in out of centre locations which are:

- There is a need for the additional retail floorspace which cannot be met within any of the district's town, village or neighbourhood centres
- The sequential approach has been applied in selecting the site
- It would not harm the vitality and viability of the district's town, village or neighbourhood centres, either on its own or cumulatively taken with other recent similar developments
- It would be accessible by a choice of means of transport
- It would not generate unacceptable levels of car traffic nor prejudice road safety
- It would not have an adverse environmental impact on its surroundings
- It would not take land which is designated for other uses in the Plan

- It would not harm the strategy of the District Plan, in particular the strategies for the town centres

Policy TCR30 sets out the criteria for car boot sales which are summarised below:

- The proposal would not have an adverse impact on the local transport infrastructure
- The vitality and viability of nearby markets and shopping centres would not be harmed
- The proposal would not harm the residential amenities of nearby properties
- The proposal would not harm the ecology of the site

Taking Policies TCR3 and TCR30 together, they pose the question as to whether an out-of-centre location is appropriate for a car boot sale or whether this use could be located in Hatfield Town Centre for example, which currently has no such activities on a Sunday or at any other time.

The impact of the proposed car boot sale on established retail infrastructure would be limited because of the type of goods sold at a car boot sale being predominantly second hand and also by the limited hours of operation proposed. The proposed car boot sale would therefore not operate in direct competition with town centre shops. However, should the proposed car boot sale be granted it might limit the ability of Hatfield Town Centre to promote a similar car boot sale within the Centre.

The Town Centre Co-ordinator has advised that Hatfield Town Centre would benefit from a car boot sale operating on Sunday mornings. A car boot sale located in the either Market Place or White Lion Square would attract visitors encouraging retailers and cafes to open at a time when the Town Centre is generally closed. Currently Market Place and White Lion Square are under utilised on Sundays. Bringing these areas into use would provide the opportunity of an additional days trading and would significantly improve the Town Centre environment in terms of visual appearance and security.

Notwithstanding the above, it has recently come to the attention of the Council that Hatfield Town Centre has a Traffic Regulation Order (TRO) restricting all vehicles from accessing the Market Place and White Lion Square. The Council would like the existing regular markets and events that take place within the town centre to continue and would also like to introduce a car boot sale. Therefore, it is proposed to review the TRO in order to allow vehicle access for loading and unloading. It is the responsibility of Hertfordshire County Council to amend the TRO and it is expected that the process will take several months. With that in mind it is recommended that temporary planning permission for change of use of level 6 of the car park at the Galleria to a car boot sale be permitted for a period of six months with a view to promoting Hatfield Town Centre as a preferred location following amendments to the TRO in accordance with PPS6 and Policies TCR3 and TCR30 of the Welwyn Hatfield District Plan 2005.

2. Impact on the Amenity of Adjoining Occupiers:

The multi-storey car park is located in the south west corner of the Galleria which has no residential dwellings nearby. The nearest residential properties are located at Parkhouse Court approximately 150m away and separated by Comet Way. No letters of representation have been received from the occupiers of neighbouring properties. The proposed car boot sale would have no impact on amenity in terms of overlooking, loss of privacy or noise pollution.

3. Highways and Parking:

The car park is under used on Sunday mornings and consequently there should be ample car parking spaces available within the Galleria site. The Highway Authority do not object to the proposal and consider that there will be no detriment to the safety and free flow of traffic on the adjoining public highway as a result of the permanent change of use.

Should the Committee be minded to approve the planning application a condition is suggested restricting the car boot sale to level 6 of the multi-storey car park and on no other level to ensure there is adequate car parking spaces available at all times to serve the Galleria in accordance with Policy M14 of The Welwyn Hatfield District Plan 2005 and T14 of the East of England Plan 2008.

4. Sustainable Development:

The applicant has submitted details of how the proposal would contribute towards sustainability in accordance with policies R3 of the District Plan and SD1 of the Supplementary Design Guidance. These include no impact on neighbours, encourage energy efficient forms of transport e.g. cycling, walking and buses, reduce need to travel to car boot sales outside Hatfield, established waste separation system, lifts and toilets. There is a limited amount of information regarding the Energy Efficiency of the proposals.

5. Chalk Mining:

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 reduced.

CONCLUSION:

It is recommended that temporary planning permission for change of use of level 6 of the car park at the Galleria to a car boot sale be permitted for a period of six months with a view to promoting Hatfield Town Centre as a preferred location following amendments to the TRO in accordance with PPS6 and Policies TCR3 and TCR30 of the Welwyn Hatfield District Plan 2005.

RECOMMENDATION: APPROVAL WITH CONDITIONS

CONDITIONS:

1. C.13.1 – The development/works shall not be started and completed other than in accordance with the approved plans and details 1:1250 Site Location Plan & 879 SK 6 P04 received and dated 19 February 2009.
2. The car boot sale hereby approved shall only operate on a Sunday between the hours of 7:00am and 12:00pm and at no other time or days of the week.

REASON: To ensure there is adequate car parking spaces available at all times to serve the Galleria in accordance with Policy M14 of The Welwyn Hatfield District Plan 2005 and T14 of the East of England Plan 2008.

3. The car boot sale hereby permitted shall only take place on level 6 of the multi-storey car park and on no other level.

REASON: To ensure there is adequate car parking spaces available at all times to serve the Galleria in accordance with Policy M14 of The Welwyn Hatfield District Plan 2005 and T14 of the East of England Plan 2008.

4. The use hereby permitted shall cease on or before 31 November 2009.

REASON: The change of use is a temporary in order to define the permission to that applied for and to enable the Local Planning Authority to promote a car boot sale within Hatfield Town Centre as a preferred location in accordance with PPS6 and Policies TCR3 and TCR30 of the Welwyn Hatfield District Plan 2005.

SUMMARY OF REASONS FOR THE GRANT OF PERMISSION:

The proposal has been considered against National Planning Policy PPS1, PPS6, PPG13, PPG14 and Policy SS1 and T14 of the East of England Plan 2008 and development plan policies (i.e. Welwyn Hatfield District Plan 2005 GBSP2, SD1, D1, M14, TCR3, TCR30 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).

INFORMATIVES:

1. INF9 - The planning authority has determined the application on the basis of the information available to it, but this does not warrant or indicate that the application site is safe or stable or suitable for development proposed, or that any nearby land is structurally stable. The responsibility for safe and suitable development rests upon the developer and/or land owner and they should take expert advice from properly qualified experts to ensure that the historic chalk mining activities in the area will not adversely affect the development

Signature of author..... Date.....