

**WELWYN HATFIELD COUNCIL – DEVELOPMENT CONTROL**  
**DELEGATED REPORT**

<b>APPLICATION No:</b>	<b>S6/2010/1622FP</b>
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**NOTATION:**

This site is located within the settlement 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 consists of a small area (596sqm) of existing surface car park located north of the Galleria building and adjacent to the east boundary of the Galleria car park. The site is situated between a pumping station compound to the east and a substation enclosure to the west. To the north the site is bound by the rear gardens of 48-52 De Havilland Close and 45 Worcester Road.

Boundaries with residential gardens and the pumping station comprise 2m high diagonal close boarded fence panels between brick piers and above a brick dwarf wall. Beyond the bays, adjacent to the north and east boundary, is an area of soft landscaping consisting of grass, shrubs and four ash trees. The remainder of the site comprises 13 parking spaces none of which are designated for disabled use.

**DESCRIPTION OF PROPOSAL:**

This application seeks full planning permission for change of use from car park to a 'learning garden' (Sui Generis). It is intended that the learning garden be established and maintained by Land Securities Galleria Ltd, the owners of the Galleria, as a local educational and community resource for the benefit of local schools, community groups, organisations and charities. The learning garden will not be generally accessible to the public or Galleria customers. The learning garden would be accessed via the Galleria car park, through timber gates within the southern site boundary. One parking space for a minibus would be provided within the site. Cycle parking would also be provided.

**PLANNING HISTORY:**

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

No other relevant planning history.

**SUMMARY OF DEVELOPMENT PLAN POLICIES:**

National Planning Policy:

PPS1 Delivering Sustainable Communities

PPG13 Transport

PPG14 Development on Unstable Land

Welwyn Hatfield District Plan 2005:  
GBSP2 Towns and Specified Settlements  
SD1 Sustainable Development  
R1 Maximizing the Use of Previously Developed Land  
R3 Energy Efficiency  
R9 Water Supply and Disposal  
R17 Trees Woodland and Hedgerows  
D1 Quality of Design  
D2 Character and Context  
D3 Continuity and Enclosure  
D5 Design for Movement  
D6 Legibility  
D7 Safety by Design  
D8 Landscaping  
D9 Access for People with Disabilities  
M14 Parking Standards for New Development  
TCR3 Out of Centre Retail Development  
Welwyn Hatfield District Plan, Supplementary Design Guidance, 2005

### **CONSULTATIONS**

Landscape & Ecology – No objection.  
Hertfordshire County Council – Transportation Planning and Policy: Does not wish to restrict the grant of planning permission.

### **TOWN/PARISH COUNCIL COMMENTS**

Hatfield Town Council – No response (Consulted 13/08/10)

### **REPRESENTATIONS**

The application was advertised by site notice and neighbour notification letters. No representations were received.

### **DISCUSSION:**

The main issues are:

1. Principle of Change of Use
2. Impact on Neighbour Amenity
3. Highways and Parking
4. Other Material Considerations

#### **1. Principle of Change of Use:**

It is proposed to clear the entire site and remove all existing hard surfacing, drainage, lighting and planting. The proposed site layout as shown on drawing No.1648/SK04 P03 shows three structures within the learning garden: a garden shed, a greenhouse and a 'sail' canopy shelter. The current planning application is for change of use only and does not include consideration of these structures. A greenhouse, shed and canopy are likely to require a separate full planning application.

The application site is located within the town of Hatfield and consists of a previously developed site currently in use as a surface car park serving the Galleria. The area surrounding the site is characterised by a mix of uses including, parking, retail, takeaway restaurants, residential dwellings and flats. The proposed learning garden is not considered inappropriate in this location and would improve the character of the area in accordance with Policy D2.

## **2. Impact on Neighbour Amenity:**

No letters of representation were received from neighbours and the Town Council did not comment. Where the application site adjoins residential properties an existing wall and fence, measuring approximately 2m in height, would be retained. The existing wall and fence provide effective screening between the site and the residential properties.

Within the immediate vicinity of the application site are a variety of uses which attract visitors to the area. The proposed change of use from car park to learning garden is likely to result in a reduction in noise from vehicles. The proposed use is not considered to be significantly more intensive than the existing use and the impact on neighbour amenity is acceptable in accordance with Policy D1 and R19 of the Welwyn Hatfield District Plan 2005 and Supplementary Design Guidance, 2005.

## **3. Highways and Parking:**

Hertfordshire County Council Transportation Planning and Policy did not object to the proposed change of use. Although the proposed change of use would result in the loss of 13 parking spaces, paragraph 51 of PPG13 states that local authorities should not require developers to provide more spaces than they themselves wish other than in exceptional circumstances. In terms of the overall level of parking at the Galleria the loss of 13 spaces is not considered significant as there is ample car parking space available within the Galleria site and much of the northern car park is underused.

The Galleria is well served by existing bus routes and a cycle path. One minibus parking space would be provided within the learning garden in addition to cycle storage which will ensure the site is accessible by modes other than private car. Access for all users of the learning garden would be via the Galleria north car park which would provide parking for those travelling by private car. The proposed change of use would not have a detrimental impact on highway safety or parking provision in accordance with PPG13 Policy M14 of the Welwyn Hatfield District Plan 2005.

## **4. Other Material Considerations:**

**Sustainable Development:** The applicant has completed the sustainability checklist in accordance with Policy R3 of the District Plan and SD1 of the Supplementary Design Guidance. The applicant has indicated within the Design and Access Statement that the site is undesignated previously developed land; the site is accessible by modes of transport other than private car; the proposed change of use would not impact upon neighbour amenity; noise from traffic would be reduced; lighting level would be reduced; potential odours/exhaust fumes would be reduced; hard surfacing would be reduced and biodiversity of the site would improve.

**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. No risk assessment is required for the proposed development as it is considered very low risk. The application should therefore, in accordance with PPG14, include an informative.

**CONCLUSION:**

The proposed change of use complies with the relevant national policies and guidance, policies within the Welwyn Hatfield District Plan 2005 and the requirements of the Supplementary Design Guidance (Statement of Council Policy).

**RECOMMENDATION: APPROVAL WITH CONDITIONS**

**CONDITIONS:**

- 1. C.2.1 – Time Limit
- 2. C.13.1 – The development/works shall not be started and completed other than in accordance with the approved plans and details 1648/SK06 P01 received and dated 29 July 2010

**SUMMARY OF REASONS FOR THE GRANT OF PERMISSION:**

The proposal has been considered against National Planning Policy PPS1, PPG13, PPG14 and development plan policies (i.e. Welwyn Hatfield District Plan 2005 GBSP2, SD1, R1, R3, R9, R17, D1, D2, D3, D5, D6, D7, D8, D9, M14, TCR3 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.
- 2. Planning permission is required for any development as shown on drawing 1648/SK04 P03 received and dated 29 July 2010.

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