

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

<b>APPLICATION No:</b>	<b>S6/2011/1408FP</b>
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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 comprises a small area within the north car park, which is divided in the middle in a north-south direction by the existing vehicular access road arrangements associated with the north car park. To the west of the access road, there is a total of five car parking spaces and to the east of the access road, there is a total of six car parking spaces. None of the parking spaces are designated for disabled use. The car parking spaces combined together with the access road intersection has a total site area of approximately 204sqm.

**DESCRIPTION OF PROPOSAL:**

This application seeks full planning permission for retention of existing car wash canopy and the use of 11 car parking spaces as ancillary car wash for shopping centre customers.

This application seeks retention of the existing car wash canopy, which is a free standing structure supported by two galvanised steel posts secured within the ground. The canopy itself has a domed shape, is made from fabric and is grey/purple in colour. The canopy measures approximately 8m in width x 4.8m in depth x 4m in height and covers approximately 3.5 car parking spaces out of the 5 spaces located on the west side of the access road. One of these car parking space is used to house two equipment lockers and a bin. The remaining spaces are clear for the parking of cars to be washed. On the opposite side of the access road are six car parking spaces which are used for the purpose of receiving customer cars. Customers who have elected to have their car washed would park in one of these six spaces and hand their car keys to the car wash attendant. The car wash facility operates the same hours as The Galleria and employs between two to six full time or part time equivalent staff dependent upon demand.

**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

PPS9 Biodiversity and Geological Conservation  
PPG13 Transport  
PPG14 Development on Unstable Land

East of England Plan 2008:  
SS1 Achieving Sustainable Development  
ENV3 Biodiversity & Earth Heritage  
ENV7 Quality in the Built Environment

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  
R19 Noise and Vibration Pollution  
D1 Quality of Design  
D2 Character and Context  
D3 Continuity and Enclosure  
D5 Design for Movement  
D6 Legibility  
D7 Safety by Design  
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, February 2005  
Welwyn Hatfield District Plan, Supplementary Planning Guidance, Parking Standards, January 2004

### **CONSULTATIONS**

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

Highways Agency – No objection

Environmental Health – No objection

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

Hatfield Town Council – Initially objected to the proposal but later confirmed in an email dated 08/09/2011 that *“This Council withdraws its objection in light of the information supplied by the applicant and yourself.”*

### **REPRESENTATIONS**

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

### **DISCUSSION:**

The main issues are:

1. The Acceptability in Principle of Retention of an Ancillary Car Wash
2. The Impact of the Development Upon the Character and Appearance of the Locality and Residential Amenity of Neighbouring Occupiers
3. Parking Provision and the Impact of the Development on the Highway
4. Other Material Considerations

## **1. The Acceptability in Principle of Retention of an Ancillary Car Wash**

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. In terms of saved policies contained within the adopted Welwyn Hatfield District Plan, there are no specific planning policies which deal with car wash facilities or dual uses associated with existing car parks in out of centre shopping locations, therefore, each case would need to be considered on its individual merits. In this case, the proposed retention of an ancillary car wash for shopping centre customers is not considered inappropriate in this location subject to an assessment of the proposals against other relevant adopted and emerging policies governing development, namely whether it is designed to be in keeping with the character and quality of the local environment, ensuring that there is a proper means of access and adequate parking provision. Additionally, it will be important to ensure that there is no significant harm to the amenity enjoyed by the occupiers of neighbouring properties.

## **2. The Impact of the Development Upon the Character and Appearance of the Locality and Residential Amenity of Neighbouring Occupiers**

The general scale of the canopy maintains a subservient relationship to the surrounding buildings. The proposed canopy is open on all sides, therefore, has light and airy feel. The colour scheme respects the nearby light grey buildings and relates well to the purple signage of The Galleria. A screen to the rear of the canopy, together with the equipment lockers, provides a degree of enclosure. Raised planting beds to the rear and side of the canopy partially conceal the car wash area from Comet Way and soften its visual impact within the surrounding car park.

The car wash facility is located centrally within the north car park adjacent to the main ingress and egress off Comet Way. The noise of the coming and going of vehicles would be no different to the remainder of the car park. The nearest residential dwellings are within De Havilland Close, located approximately 70m to the east of the car wash. No letters of representation were received from neighbours and the Council's Environmental Health Department did not object to the retention of the car wash. The existing wall and fence along the east boundary of the car park provides 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 retention of the carwash is not considered to have a significantly 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. Parking Provision and the Impact of the Development on the Highway**

Operating the car wash facility has not altered the layout, ingress and egress arrangements of the car park. The car wash involves the use of a total of 11 parking spaces, 4 spaces for the washing of cars, 6 spaces for receiving customer cars and 1 space for storage. Retention of the car wash would, therefore, result in the loss of 1 former useable car parking space. The remaining 10 spaces would still be available for parking, albeit for customers who have elected to have their cars washed.

The Government has published an amendment to PPG13 to better reflect localism (para 49, 51, 54 and 56). The Government's position on parking standards is that local authorities are best placed to take account of local circumstances and are able to make the right decisions for the benefit of their communities. In the context of the total number of 1,748 car parking spaces available at The Galleria, the loss of 1 parking space (used for equipment lockers and a bin) 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. Moreover, paragraph 50 of PPG13 states that local authorities should not require developers to provide more spaces than they themselves wish other than in exceptional circumstances.

Hertfordshire County Council Transportation Planning and Policy department does not wish to restrict the grant of planning permission and commented that the car wash facility would not have an unreasonable impact on the adjoining highways. The Highways Agency also offered no objection. Overall, it is considered that the development would not have an unreasonable impact on parking provision and the safety and operation of the adjoining highways in accordance with PPG13, Policy M14 of the Welwyn Hatfield District Plan 2005 and Supplementary Planning Guidance.

#### **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 that the application site is undesignated previously developed land; pollution and water consumption would be minimised; job opportunities would be provided adding to the diversity of the economy.

**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.

**East of England Plan 2008:** On 10th November 2010, The High Court quashed the decision of the Secretary of State for Communities and Local Government to unilaterally revoke Regional Spatial Strategies in England on two grounds:

- That he acted outside his statutory powers in circumventing the need for parliamentary scrutiny of such a fundamental change to the national planning system; and
- He failed to consider the likely environmental effects of revoking Regional Strategies

However, the Government is still committed to the abolition of Regional Spatial Strategies through the Localism Bill. In the meantime, the policies in the East of England Plan are re-established and form part of the development plan again and are therefore a material consideration which can be taken into account in reaching a decision. However, the Government's intention to abolish Regional Spatial Strategies is also a material consideration that could be considered to reduce the weight to be attached to policies in Regional Spatial Strategies.

The application has been considered against policy(ies) in the East of England Plan, which at the time of this decision forms part of the development plan for the borough but that the weight accorded to these policies, in light of the above circumstances, has been carefully considered in reaching a decision.

**Protected Species:** The presence of protected species is a material consideration, in accordance with PPS9 (Biodiversity and Geological Conservation), Natural Environment & Rural Communities (NERC) Act 2006 (section 40), Wildlife and Countryside Act 1981 as well as Circular 06/05. In the UK the requirements of the EU Habitats Directive is implemented by the Conservation of Habitats and Species Regulations 2010 (the Conservation Regulations 2010). Where a European Protected Species ('EPS') might be affected by a development, it is necessary to have regard to Regulation 9(5) of the Conservation Regulations 2010, which states: *"a competent authority, in exercising any of their functions, must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions."* The Conservation Regulations 2010, (Regulation 41) contains the main offences for EPS animals, however the existing site and development is such that there is not a reasonable likelihood of EPS being present on site nor would a EPS offence be likely to occur. It is therefore not necessary to consider the Conservation Regulations 2010 further.

**CONCLUSION:**

The proposals comply 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**

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

The proposal has been considered against Planning Policy Statement/Guidance PPS1, PPS9, PPG13, PPG14 East of England Plan 2008 policies SS1, ENV3, ENV7 and development plan policies GBSP1, SD1, R1, R3, R9, R19, D1, D2, D3, D5, D6, D7, D9, M14, TCR3 and Supplementary Design Guidance of the Welwyn Hatfield District Plan 2005, in addition to the Human Rights Act 1998, which, at the time of this decision 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 – Chalk Mining
- 2. Advertisement Consent is likely to be required for new external signage

**DRAWING NUMBERS**

1750/SK1 P01 & 1750/SK2 P01 & 1750/SK0 P01 received and dated 21 July 2011

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