



TOWN AND COUNTRY PLANNING ACT 1990
PLANNING DECISION NOTICE – PERMISSION

S6/2008/1128/FP

**INFILL BENEATH GALLERIA NORTH BUILDING (CINEMA) TO PROVIDE NEW
A3/A5 RESTAURANT UNITS**

at: THE GALLERIA COMET WAY HATFIELD

Agent Name And Address

MRS P HUI
CGMS LTD
MORLEY HOUSE
26 HOLBORN VIADUCT
LONDON
EC1A 2AT

Applicant Name And Address

LAND SECURITIES - GALLERIA LTD
C/O AGENT

In pursuance of their powers under the above mentioned Act and the Orders and Regulations for the time being in force thereunder, the Council hereby **PERMIT** the development proposed by you in your application received with sufficient particulars on 08/07/2008 and shown on the plan(s) accompanying such application, subject to the following conditions:-

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: In order to comply with Section 91 of the Town and Country Planning Act (As amended)

2. The development/works shall not be started and completed other than in accordance with the approved plans and details 1407/SK00 P01 & 1407/SK01 P05 & 1407/SK02 P03 & 1407/SK03 P03 & 1407/SK04 P09 & 1407/SK05 P05 & 1407/SK06 P04 & 1407/SK10 P03 & 1407/SK15 P04 received and dated 8th July 2008.

REASON: To ensure that the development is carried out in accordance with the approved drawings and any changes must be agreed in advance in writing by the Local Planning Authority.

3. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building. Subsequently, the external surfaces shall not be changed without the prior written consent of the Local Planning Authority.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity in accordance with Policies D1 and D2 of the Welwyn Hatfield District Plan 2005.

Continuation ...

4. Notwithstanding the details submitted as part of this application, prior to the commencement of the use hereby permitted, a scheme for the extraction and filtration of cooking fumes shall be implemented in accordance with details submitted to and agreed in writing by the Local Planning Authority. The implemented scheme shall be permanently maintained thereafter in accordance with the approved details and shall be maintained in accordance with manufacturer's instructions to ensure its continued satisfactory operation.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity in accordance with Policy D1 of the Welwyn Hatfield District Plan 2005.

5. The area set aside for disabled car parking shall be laid out and surfaced, in accordance with a scheme which has been submitted to and agreed in writing by the Local Planning Authority before the buildings hereby permitted are first occupied and shall be retained permanently thereafter for the accommodation of residents/occupiers and shall not be used for any other purpose.

REASON: To ensure that the spaces are provided prior to the occupation of the units in the interests of highway safety in accordance with Planning Policy Guidance Note 13 Transport

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 TCR 3 of the Welwyn Hatfield District Plan 2005.

Continuation ...

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.

REASONS FOR APPROVAL

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 Local 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).

Date: 25/09/2008



Chris Conway
Chief Planning and Environmental Health Officer