

**WELWYN HATFIELD BOROUGH COUNCIL
DIRECTORATE OF STRATEGY AND DEVELOPMENT**

DELEGATED APPLICATION

Application No: 6/2016/1907/FULL
Location: The Galleria, 45 Comet Way, Hatfield, AL10 0XR
Proposal: Permission for flexible and temporary change of use from A1 (Retail) to D2 (Assembly and Leisure) a family entertainment centre or A1 (Retail) use for a fixed period of 10 years.
Officer: Mr R Adenegan

Recommendation: Granted

6/2016/1907/FULL

Context			
Site and Application description	<p>The application site is a retail unit on the ground floor of the Galleria shopping mall adjacent to the north entrance and is currently vacant. The lawful use of the unit is for A1 (Retail) and the internal floor area is approximately 340sqm. The site is situated in Hatfield Town but not in a Primary or Secondary shopping frontage as designated in the Welwyn Hatfield District Plan 2005.</p> <p>Planning permission is sought for a flexible and temporary change of use from A1 (Retail) to D2 (Assembly and Leisure) a family entertainment centre or A1 (Retail) use for a fixed period of 10 years.</p>		
Constraints (as defined within WHDP 2005)	<p>PAR - PARISH (HATFIELD) Wards - HATFIELD VILLAGES Wards - HATFIELD CENTRAL A4D - Article 4 HMO Direction</p>		
Relevant planning history	<p>S6/87/0075/FP – Retail development with associated leisure facilities. Granted 6.4.1987.</p> <p>S6/1992/0412/FP – Change of use from fitness club to night club. Refused 6.8.1992.</p> <p>S6/1996/0906/FP – Change of use from Class D2 (Leisure) to amusement centre. Granted 16.1.1997.</p> <p>S6/2013/0778/FP - Flexible planning permission for use as amusement centre (sui generis), or restaurant (A3) or takeaway (A5) for a period of 10 years. Granted 18.6.2013.</p>		
Consultations			
Neighbour representations	Support: 0	Object: 0	Other: 0
Publicity	N/A		
Summary of	16 adjoining and neighbouring occupiers/businesses were consulted. No		

neighbour responses	response has been received.
Town / Parish representations	None received
Consultees and responses	1. Legal Department - no response 2. Councillor Glyn Hayes - no response 3. Councillor Pankit Shah - no response 4. Councillor Maureen Cook - no response
Relevant Policies	
<input checked="" type="checkbox"/> NPPF <input checked="" type="checkbox"/> D1 <input checked="" type="checkbox"/> D2 <input type="checkbox"/> GBSP1 <input type="checkbox"/> GBSP2 <input type="checkbox"/> M14 Others TCR3 (Out of Centre Retail Development) R19 (Noise and Vibration Pollution) M14 (Requires developments increasing or changing parking requirements to meet the Council's standards. Supplementary Design Guidance, February 2005 Section 7 (Shopfronts) Supplementary Planning Guidance, Parking Standards, January 2004	
Main Issues	
Is the development within a conservation area?	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Would the significance of the designated heritage asset be conserved or enhanced?	
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Comment (if applicable):	
Would the development reflect the character of the area?	
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Comment (if applicable): A key part of the original planning permission for the Galleria restricted the amount of retail floor-space in order to limit competition with Hatfield Town Centre and other shopping parades in the town's retail hierarchy. The proposed change of use would result in a reduction in retail floor-space at the Galleria and replace it with Class D2 (Assembly and Leisure), which is a key function of The Galleria. Consequently, the proposed change of use would not undermine the retail hierarchy in the town and would not be contrary to the current planning policies in the Local Development Plan (NPPF and Welwyn Hatfield District Plan 2005 and Supplementary Guidance Documents).	
Would the development reflect the character of the dwelling?	
<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	
Comment (if applicable):	
Would the development maintain the amenity of adjoining occupiers? (e.g. privacy, outlook, light etc.)	
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
Comment (if applicable): Due to the Unit being contained within the Galleria and the distance from the nearest residential properties, the proposed change of use would not be likely to have a significant impact on the residential amenity of neighbouring occupiers. However, the neighbouring shop units may be affected by noise and vibration from the proposed games machines. Environmental Health was consulted as part of the pre-application proposal and raised no major objection to the proposal, and has not requested the submission of a noise assessment report. Subject to relevant planning condition, it is considered that the proposal will not have any significant negative impact on the amenity of the adjoining occupiers.	

Would the development provide / retain sufficient parking?
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
Comment (if applicable): The proposal does not give rise to additional parking requirements. There is shared, on-site parking for all the retail and leisure units at the Galleria.
Conclusion
The proposal complies with relevant plan policies.

Conditions:

1. The development/works shall not be started and completed other than in accordance with the approved plans and details:

Floor Plan: 1578 SK01 P01 and Location Plan: 4770-1 Rev 0

REASON: To ensure that the development is carried out in accordance with the approved plans and details.

2. The use hereby permitted shall be carried on only by Sega Amusement International Ltd and shall be for a limited period being the period of 10 years from the date of this decision notice, or the period during which the premises are occupied by Sega Amusement International Ltd whichever is the shorter. When the premises cease to be occupied by Sega Amusement International Ltd or at the end of 10 years whichever shall first occur, the use hereby permitted shall cease and all materials and equipment brought on to the premises in connection with the use shall be removed.

REASON: The applicant's special circumstances allow this use/development to be approved in compliance with Policies R19 of the Welwyn Hatfield District Plan 2005.

1. POSITIVE AND PROACTIVE STATEMENT

The decision has been made taking into account, where practicable and appropriate the requirements of paragraphs 186-187 of the National Planning Policy Framework and material planning considerations do not justify a decision contrary to the development plan (see Officer's report which can be viewed on the Council's website or inspected at these offices).

Informatives:

1. This permission does not convey any consent which may be required under any legislation other than the Town and Country Planning Acts. Any permission required under the Building Regulations or under any other Act, must be obtained from the relevant authority or body e.g. Fire Officer, Health and Safety Executive, Environmental Health Department, Environment Agency (Water interest etc). Neither does this permission negate or override any private covenants which may affect the land.

Determined By:

Mrs L Hughes
16 November 2016