

**WELWYN HATFIELD BOROUGH COUNCIL
EXECUTIVE DIRECTOR - PLANNING, PUBLIC PROTECTION AND GOVERNANCE**

DELEGATED APPLICATION

Application No: 6/2017/0361/FULL
Location: Level 1 The Galleria Comet Way Hatfield AL10 0XR
Proposal: Change of use of part of the existing public circulation space (Sui Generis) to Assembly and Leisure (D2) for use as a climbing and adventure facility.
Officer: Mr R Adenegan

Recommendation: Granted

6/2017/0361/FULL

Context	
Site and Application description	<p>The application site is currently a 456sq.m vacant area within the public circulation space in the lower mall (Level 1) of the Galleria, adjacent to Units 86 and 92. It is located in the northern part of the shopping mall, and adjacent to a stairwell. As the application site is public circulation space at present, it does not fall within a planning use class per se, and is referred to as "Sui Generis" for the purposes of this application. The Galleria is a major shopping and leisure facility situated in Hatfield Town but not in a Primary or Secondary shopping frontage as designated in the Welwyn Hatfield District Plan 2005.</p> <p>Full planning permission is sought for the change of use of the existing public circulation space in the lower mall (Level 1) of the Galleria to Assembly and Leisure (Use Class D2) to enable it to be used as a climbing and adventure facility. This facility will be open in nature within the mall, and will not be enclosed within a unit.</p>
Constraints (as defined within WHDP 2005)	<p>PAR - PARISH (HATFIELD) Wards - Hatfield Central A4D - Article 4 HMO Direction</p>
Relevant planning history	<p>Planning</p> <p>Application Number: S6/1987/0075/FP Decision: Granted Decision Date: 06 April 1987 Proposal: Retail development with associated leisure</p> <p>Application Number: S6/1988/0594/FP Decision: Granted Decision Date: 29 July 1988 Proposal: Revised elevations and materials as condition 14 of planning permission S6/0075/87 (Application dated 06/88)</p> <p>Application Number: S6/1989/0087/FP Decision: Granted Decision Date: 03 March 1989 Proposal: Erection of temporary administration building</p> <p>Application Number: S6/1989/0262/FP Decision: Granted Decision</p>

	<p>Date: 26 May 1989 Proposal: Revised elevations to the Galleria, Link and Satellite buildings, All other matters as previous planning consent S6/0075/87. Further revisions to elevations</p> <p>Application Number: S6/1990/0103/FP Decision: Granted Decision Date: 30 March 1990 Proposal: Revisions to the road and car parking layout within the site</p> <p>Application Number: S6/1990/0670/FP Decision: Granted Decision Date: 23 November 1990 Proposal: Revised elevations to the Galleria, link and pod buildings and south substation</p> <p>Application Number: S6/1991/7043/AD Decision: Granted Decision Date: 07 October 1991 Proposal: Internally illuminated fascia signs and projecting box sign on western elevation</p> <p>Application Number: S6/1995/0462/FP Decision: Granted Decision Date: 21 June 1996 Proposal: Formation of new covered mall and infill of space under UCI Cinema with new restaurant and amusement centre</p> <p>Application Number: S6/2000/0639/FP Decision: Approval Subject to s106 Decision Date: 27 January 2003 Proposal: CONVERSION OF PART OF MULTI-STOREY CAR PARK AND SERVICE ROAD TO FORM ADDITIONAL RETAIL SPACE, AND PROVISION OF NEW EXTERNAL CAR PARKING SPACES</p> <p>Application Number: S6/2003/1137/OP Decision: Approval Subject to s106 Decision Date: 13 April 2005 Proposal: MIXED USE DEVELOPMENT OF DISTRICT CENTRE COMPRISING SHOPS, FOOD AND DRINK USES, HOTEL, HEALTH CENTRE, AND DAY NURSERY, RESIDENTIAL USES INCLUDING, AFFORDABLE AND KEY WORKER HOUSING, BUS INTERCHANGE, SERVICING AND CAR PARKING (OUTLINE) WITH FULL DETAILS OF 200 FLATS, NURSING HOME AND ASSOCIATED ACCESSES, CAR PARKING AND LANDSCAPING</p> <p>Application Number: S6/2005/0929/FP Decision: Granted Decision Date: 19 September 2005 Proposal: ALTERATIONS TO SHOP FRONT</p> <p>Application Number: S6/2007/0795/FP Decision: Granted Decision Date: 09 July 2007 Proposal: AMENDMENT TO RESERVED MATTERS APPROVAL REF S6/2005/675/DE (FOR MIXED USE DEVELOPMENT OF DISTRICT CENTRE) TO ALLOW FOR THE RELOCATION/SWAP OF CLASS A1 (SHOP) AND CLASS A3 (RESTAURANT, BARS AND CAFES) USES WITHIN THE SCHEME.</p> <p>Application Number: S6/2008/0215/FP Decision: Granted Decision Date: 14 April 2008 Proposal: INFILL BENEATH GALLERIA NORTH BUILDING (CINEMA) TO</p>
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CREATE CLASS A3/A5 RESTAURANT UNITS			
Application Number: S6/2008/1128/FP Decision: Granted Decision Date: 25 September 2008 Proposal: INFILL BENEATH GALLERIA NORTH BUILDING (CINEMA) TO PROVIDE NEW A3/A5 RESTAURANT UNITS			
Application Number: S6/2010/0029/FP Decision: Granted Decision Date: 12 March 2010 Proposal: RECONFIGURATION OF KERB LINE AND INSTALLATION OF WALK UP ORDER WINDOW			
Application Number: 6/2016/0726/FULL Decision: Granted Decision Date: 15 June 2016 Proposal: Alterations to elevations including replacement of new flush drive thru booths			
Application Number: 6/2016/1959/COND Decision: Granted Decision Date: 16 November 2016 Proposal: Approval of details reserved by condition 2 (Construction Management Plan) on planning permission 6/2016/0159/FULL			
Consultations			
Neighbour representations	Support: 0	Object: 0	Other: 0
Publicity	Neighbours consultation letters were posted		
Summary of neighbour responses	51 adjoining and neighbouring occupiers/businesses were consulted. No 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?			

Yes No

Comment (if applicable):

Would the development reflect the character of the area?

Yes 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 not result in a reduction or result in an increase in retail floor-space (Use Class A1) at the Galleria as it involves the creation of a Class D2 (Assembly and Leisure) use of approximately 456sq.m floorspace in an existing open area which is currently public circulation space within the Galleria. The proposed use is a key function of The Galleria. Consequently, the proposed change of use would not adversely affect the viability and viability of the town centres nor 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?

Yes No N/A

Comment (if applicable):

Would the development maintain the amenity of adjoining occupiers? (e.g. privacy, outlook, light etc.)

Yes No N/A

Comment (if applicable): The applicant stated in the design and access statement that the application site comprised a physical unit until February 2014, when it traded as Thornton's Café. Since the removal of the physical units, it has been used intermittently for promotional and temporary exhibitions as well as leisure activities for children such as inflatables. A temporary roller rink has recently been installed to utilise the vacant space.

Due to the proposed area 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 from the users of the proposed climbing structures which are of varying heights. However, the level of noise that the use will generate will not be substantially different from that of the nearby 'Get Wild' jungle theme adventure play area and the other temporary uses stated above. Furthermore, the proposed use will not involve the use of any vibrating machines/equipment that may necessitate the requirement to submit a noise assessment report. As such, 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?

Yes No 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.

Any other issues

The climbing and adventure facility provides health benefits for children, providing a place to exercise, improve balance and strength, and encouraging physical activity and social interaction.

Conclusion

Overall, it is considered that the proposed use would complement existing uses within the Galleria, utilising vacant space within the lower mall to provide a climbing facility for children. The proposal will complement existing uses within the Galleria, providing a new leisure facility for local residents and visitors to the Galleria and would not result in loss of retail unit. The proposal complies with relevant national and plan policies. As such, planning permission is recommended.

Conditions:

1. The area of the Galleria hereby approved shall be used for climbing and adventure facility and for no other purpose (including any other purpose in Class D2 of Part D the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

REASON: To protect the character and amenities of neighbouring areas by ensuring that measures are implemented to avoid any noise nuisance. To comply with Policy R19 of the Welwyn Hatfield District Plan 2005.

DRAWING NUMBERS

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

Plan Number	Revision Number	Details	Received Date
2144 SK02 P01		Block Plan	27 February 2017
2144 SK05 P01		Location Plan	27 February 2017
2144 SK04 P01		Proposed Layout	27 February 2017
2144 SK01 P01		Location Plan	27 February 2017

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

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, Environment Agency (Water interest etc. Neither does this permission negate or override any private covenants which may affect the land.

Determined By:

Mr A Mangham
24 April 2017