

WELWYN HATFIELD COUNCIL – DEVELOPMENT CONTROL
DELEGATED REPORT

APPLICATION No:	N6/2009/2491/FP
------------------------	------------------------

NOTATION:

The site lies within the Central Welwyn Garden City Conservation Area as designated in the Welwyn Hatfield District Plan 2005.

DESCRIPTION OF SITE: The application site is located on the junction of Church Road and Parkway and lies opposite Sainsbury's. The application site comprises the Free Church building, which was designed by Louis de Soissons. Adjacent to the building to the east is an existing car park accessed off of Church Road. The site is located within the Conservation Area. The building is not Listed.

DESCRIPTION OF PROPOSAL: This application seeks consent for the renewal of application N6/2006/1409/FP which was approved in December 2006. The application proposes the construction of an extension to the existing car park area to the east of the site. The proposal will increase the current provision within the site by 9 spaces and will extend to within 2.6 of the southern boundary, which separates the site from properties in Parkfields. The existing area is grassed with more substantial hedging and trees located to the side and rear boundary. The proposed car parking is to have a tarmac'd access and turning area and a gravel-surfaced parking area. The parking is required by the Danish Bacon Company as replacement parking during the Sainsbury's redevelopment. The application proposes the erection of a fence and gate between the existing spaces and the new spaces to be created.

PLANNING HISTORY:

N6/2006/1409/FP – Extension of existing car park to form nine additional spaces, approved December 2006.

N6/2006/0579/FP - Extension to car park to provide 12 additional spaces refused 2006.

N6/2003/1228/FP – Extension to existing car park to provide additional 6 spaces approved 2003.

N6/1993/0268/FP - Formation of play area and erection of shed. Granted

N6/1990/0906/FP - Extension of existing car park. Granted.

C6/1988/0734/FP - Formation of car park and access. Granted.

SUMMARY OF DEVELOPMENT PLAN POLICIES:

National Policy
PPS1: Delivering sustainable development
PPG13: Transport

East of England Plan 2008
SS1: Achieving Sustainable Development
SS2: Overall Spatial Strategy
T14: Parking
ENG1: Carbon Dioxide Emissions and Energy Performance

Hertfordshire Structure Plan Review 1991 – 2011:
None

Welwyn Hatfield District Plan 2005:
SD1: Sustainable Development
GBSP2: Towns and specified settlements
M14: Parking standards for new developments
D1: Quality of design
D2: Character and context
D5: Design for movement
D7: Safety by Design
D8: Landscaping
D9: Access and Design for people with disabilities
Welwyn Hatfield District Plan, Supplementary Design Guidance, February 2005
Welwyn Hatfield District Plan, Supplementary Planning Guidance, Parking
Standards, January 2004

CONSULTATIONS

HCC Transportation Planning and Policy – The Highway Authority does not wish to restrict the grant of permission

TOWN/PARISH COUNCIL COMMENTS

Not applicable

REPRESENTATIONS

This application(s) has been advertised and one representation has been received.
Period expired.

Summary – There is no need for a further extension to the car park to include a further nine spaces. If the area is reduced in size then there will be less leisure space for children to play in. Concerns are also raised regarding the possibility of increased nuisance in the form of noise and lack of security. If the planning permission granted previously and has not been implemented then presumably there is no will or need on the part of the applicant to exercise it at that time.

DISCUSSION:

The main issues are:

- 1. Whether there has been a material change in planning policy following the grant of consent pursuant to N6/2006/1409/FP**

1. The Town and Country Planning (General Development Procedure) (Amendment No.3) Order 2009 permits applications to be made to replace an extant planning permission in order to extend the time limit for implementation. This procedure can only be used if the extant permission was granted on or before 1 October 2009; where the development has not yet begun and where consent is currently extant. The consent was granted prior to 1 October 2009, remains extant until 5 December 2009 and the development has not yet begun,.

The consent still relates to the re-development of the adjacent Sainsbury's site and its purpose is to provide replacement parking for spaces that would be lost from the Sainsbury's service yard during the demolition and construction works relating to the store.

Previously it was considered that the proposed development would result overall, in the overprovision of parking within a highly accessible and sustainable location. The use of the car parking during the Sainsbury's redevelopment would not have a detrimental impact on the character of the area but it is an overprovision of car parking in an area where the existing car parks can easily accommodate the spaces required. Given the presence of an existing permission for car parking, albeit for the Church itself, the plans for the redevelopment of Sainsbury's and the fact that the applicant seeks a temporary permission which will mean that the parking area can also be used by the Church without them having to find additional funding it is recommended that a temporary consent of three years be given which is sufficient time for the redevelopment to take place, after which the land is to be restored to its original condition unless an application is otherwise approved by the LPA.

In terms of policy, since the last approval a revised application has been granted for the redevelopment of the Sainsbury's supermarket and the East of England Plan (2008) has replaced the RPG for the South east (2001) and the Hertfordshire Structure Plan Review (2001). The objectives of the policies in relation to car parking and conservation areas remain the same and it is clear that there has been no relevant material change in planning policy that would result in this proposal being refused.

CONCLUSION: There has been no relevant material change in planning circumstances since the planning permission was granted in 2006 for the additional spaces. Accordingly, it is recommended that planning consent be granted for a further period of three years and subject to previously imposed conditions.

RECOMMENDATION: APPROVAL WITH CONDITIONS

CONDITIONS:

1. C.2.1 – Standard Time Limit
2. C.13.1 - The development shall not be started and completed other than in accordance with the approved plans and details 1029/07 & 1:1250 location plan received and dated 11 November 2009 unless otherwise agreed in writing by the Local Planning Authority.

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.

2. Prior to the commencement of development, details of the materials to be used along with details of the groundworks and depth of the foundations of the car park shall be submitted to and approved in writing by the Local Planning Authority. Subsequently the development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority

REASON

To ensure that the excavation works to form the car park do not have a detrimental impact on the health of existing trees, in accordance with R17 of the Welwyn Hatfield District Plan 2005.

3. This permission is for a limited period only expiring on 5 December 2012 and the use hereby permitted shall be discontinued and the land restored to its former condition on or before that date unless a further application is submitted to and approved by the Local Planning Authority on or before that date.

REASON

Permission is only granted having regard to the circumstances of the applicant and the overall scheme for the regeneration of the southern area of the town centre and to enable the Local Planning Authority to reconsider the appropriateness of the use at the expiration of the limited period which is considered sufficient to enable the development to be completed.

SUMMARY OF REASONS FOR THE GRANT OF PERMISSION:

Reason for Grant of FP/LB/CA/DT/ (*Approvals only*):

The proposal has been considered against Planning Policy Statement 1, PPG13, East of England Plan SS1, SS2, T14, ENG1 2008 and development plan policies SD1, GBSP2, M14, D1, D2, D5, D7, D8, D9 of the Welwyn Hatfield District Plan 2005, 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: None

DRAWING NUMBERS:

1:1250 Site Location Plan & 1029/07 received and date stamped 11 November 2009

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