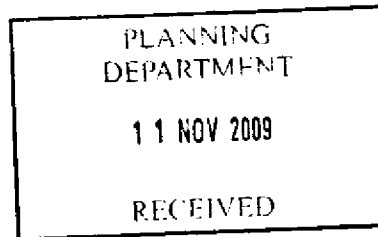


N6-2009/2491-FP RA

indigo



Mr R Aston  
Principal Development Control Officer  
North Area Team  
Welwyn and Hatfield Borough Council  
Council Offices  
The Campus  
Welwyn Garden City  
Herts  
AL8 6AE

10 November 2009

Our ref. SMG/HD/506572

Indigo Planning Limited

Dear Mr Aston

Swan Court  
Worple Road  
London  
SW19 4JS

**RENEWAL OF PLANNING PERMISSION LPA REF. N6/2006/1409/FP**

**LAND AT FREE CHURCH CAR PARK, CHURCH ROAD, WELWYN GARDEN CITY**

We are pleased to enclose, on behalf of Sainsbury Supermarkets Limited, an application for the renewal of planning permission N6/2006/1409/FP which was for an extension to the existing Free Church Car Park, Church Road to form an additional nine car parking spaces.

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 which has not yet begun and where the consent is currently extant.

We confirm that the consent was granted prior to 1 October 2009, remains extant until 5 December 2009 and that the development has not yet begun.

This new procedure requires the completion of an application form and certificates and the payment of an application fee (which is currently the same as if the application were for a new planning permission). We therefore enclose the following:

- Four copies of a completed application form and certificates, signed and dated;
- Four copies of the original decision notice, LPA Ref. N6/2006/1409/FP;
- Four copies of the approved drawings; and
- A cheque for £170.

## Relevant Planning History

Planning permission for the demolition of the existing class A1 retail floorspace, including part of the Sainsbury's supermarket, and class B1(A) office floorspace at nos. 32 - 40 Church Road was approved on 31 August 2006 (LPA Ref: N6/2003/0962/FP). This application for major refurbishment included alterations and extensions to provide new retail floorspace for the Sainsbury's supermarket. Subsequent to this, the applicants applied for planning permission for the extension of the car park on land at the Free Church Car Park, Church Road to create nine additional car parking spaces. The purpose of this was 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.

Planning permission was granted for an extension of the car park on land at the Free Church Car Park, Church Road, Welwyn, to create an additional nine spaces on 5 December 2006 (LPA Ref. N6/2006/1409/FP).

Three conditions were attached to the consent.

**Condition 1** required that the development be begun within a period of three years from the date of the consent.

**Condition 2** required that *prior to the commencement of development, details of the materials to be used along with details of the groundwork's and depth of the foundations of the car park 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.*

**Condition 3** stated that:

*This permission is for a limited period only expiring on 5 December 2009 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.*

Condition 2 was never discharged nor the consent implemented and, as such, the consent remains extant but is due to expire on 5 December 2009.

Since that time, a revised application (LPA Ref. N6/2008/2103/MA) submitted on behalf of Sainsbury's Supermarkets Ltd had been approved, subject to the signing of a s106 Agreement, for:

*Demolition of existing Sainsbury's supermarket (40-44 Church Road), 24-38 Church Road and 10-16 Wigmores South and the erection of a new development comprising: new Sainsbury's store at first floor level and mezzanine level; car parking spaces beneath the store (at ground and basement levels) and in the rearranged surface car park; realigned entrance/exit from Church Road to the surface car park; re-arranged service yard; covered cycle parking spaces; new public realm on Wigmores South*

*and additional landscaping.*

### **The Proposal**

Once the S106 agreement has been signed for the new store scheme (LPA Ref. N6/2008/2103/MA), Sainsbury's are keen to implement the consent. As such, they require replacement parking for the tenants using the car parking spaces in the existing store service yard which will be inaccessible during demolition and construction works. Sainsbury's are therefore keen to renew and implement the consent for the extension of the Free Church car park to ensure that replacement parking is available to the tenants prior to the commencement of works on the new store.

### **Policy Update**

Since the approval of the application, the East of England Plan (2008) has replaced Regional Planning Guidance for the South East (2001) and the Hertfordshire Structure Plan Review (2001), however the thrust of the policies relating to parking and development in the Conservation Area in the East of England Plan remain the same. A number of policies have been saved from the Welwyn Hatfield District Plan 2005 while work is being progressed on the Local Development Framework (LDF). District plan policies SD1, GBSP2, D1, D2, R17 and M14 relating to sustainable development, design and character, transport and parking against which the application was originally determined have been saved. Policy R22 relating to development in Conservation Areas has not. However, the proposal does comply with the provisions of PPG15 (Planning and the Historic Environment) and East of England Plan Policy SS6.

It is clear therefore, that there has been no relevant material change in planning circumstances since the planning permission was granted in 2006.

### **Conclusion**

Based on the above, we conclude that there has been no relevant material change in planning circumstances since the planning consent ref: LPA Ref. N6/2006/1409/FP was granted and that this application to renew the permission should be approved.

We look forward to receiving confirmation that the application has been registered. If you require any further information, please do not hesitate to contact Caroline Wilberforce or me.

Yours sincerely



Helen McManus

- Enc:
- Four copies of a completed application form and certificates, signed and dated;
  - Four copies of the original decision notice, LPA Ref. N6/2006/1409/FP;
  - Four copies of the approved drawings; and
  - A cheque for £170.
- cc: Robert Oxley and Jeff Wilson, SSL (letter only)  
Peter Voase, EC Harris (letter only)