

WELWYN HATFIELD BOROUGH COUNCIL
PLANNING CONTROL COMMITTEE – 20 JANUARY 2011
REPORT OF THE DIRECTOR (STRATEGY AND DEVELOPMENT)

Part I - Enforcement Item

FORMER CEREAL PARTNERSHIP, HYDE WAY, WELWYN GARDEN CITY

UNAUTHORISED CHANGE OF USE TO PUBLIC CAR PARK

(Peartree)

1 Background

- 1.1 A previous report concerning the same company (Green Parking Ltd) committing the same breach of planning control at a different location within Welwyn Garden City was brought before Members in January 2010. The report was deferred with the Planning Control Committee asking officers to negotiate further.
- 1.2 In October of this year a complaint was received regarding the use of a section of land at The Former Cereal Partnership, Hyde Way, Welwyn Garden City.
- 1.3 A site visit revealed that the land was being advertised and used as a public car park for the station and the town centre. Green Parking Limited, the company responsible, also advertise this car park on their web-site. The company were contacted and advised that planning permission was required for the change of use to a public car park and that it would be unlikely to be given a favourable recommendation at officer level.
- 1.4 An application seeking temporary permission for use of the land for a one year period has been submitted. The planning application was considered earlier in the agenda.

2 Relevant Planning History

- 2.1 N6/2002/1264/FP – N6/2010/2055/MA - Full Planning Permission for part demolition, repair, restoration, extension and conversion of the former Shredded Wheat factory complex to provide retail (A1 & A3), business (B1), heritage centre (D1), energy centre, new leisure centre building and Civic Square building including residential and retail (A1 to A5).

Associated alterations to existing vehicular and pedestrian access and highway layout within and around the site, including the creation of two vehicular access ramps to basement parking, hard and soft landscaping, the provision of a civic square, park, public and private open space, pedestrian walkways to include the upgrade of the existing pedestrian footpath over the railway line and associated enabling works. Outline Planning Permission for development of land to the west and south of the shredded wheat factory to comprise the following uses: Retail (A1 & A5), business (B1), hotel (C1), residential, to include: houses, flats, care

home and YMCA (C2 & C3); doctors surgery and pharmacy (D1); with all matters reserved apart from means of access – Current Application

N6/2010/2060/LB - Works for and including part demolition, repair, restoration, extension and conversion of the former Shredded Wheat factory complex to provide retail (A1 and A3), business (B1), heritage centre (D1) and energy centre – Current Application

N6/2003/1557/FP - Installation of new 6mtr. car park lighting scheme following removal of existing scheme – Granted 18/12/2003

N6/2003/0112/LB - Installation of wheat sampling equipment - Withdrawn 26/02/2003

N6/2002/1219/FP - Installation of boiler flue ductwork – Granted 23/09/2002

N6/2001/0715/FP - Installation of floodlighting in lorry park area – Granted 16/07/2001

N6/1996/0539/FP - Retention of temporary office building - Granted 02/08/1996

N6/1992/0408/LB - Erection of two porches over existing staircases and enlargement of two windows - Granted 28/09/1992

N6/1992/0407/FP - Erection of two porches over existing entrances – Granted 28/09/1992

N6/1992/0406/LB - Alterations to silo elevation - Granted 03/08/1992

N6/1992/0391/FP - Infill of existing ground floor windows fronting Broadwater Road - Granted 20/07/1992

N6/1991/7039/AD - Erection of three non-illuminated signs - Granted 30/09/1991

N6/1991/0679/LB - Erection of 3 non-illuminated signs - Granted 07/10/1991

N6/1981/0186/ - Site for road / rail freight depot – Withdrawn

3 Summary of Development Plan Policies

3.1 National Policy

Planning Policy Statement 1: Delivering sustainable development

PPS4: Economic development National Policy

PPS1: Delivering sustainable development

PPS4: Economic development

PPG13: Transport

PPS23: Pollution Control

3.2 East of England Plan 2008

SS1: Achieving Sustainable Development

SS2: Overall Spatial Strategy

SS3: Key Centres for Development and Change

T1: Regional Transport Strategy Objectives and Outcomes

T2: Changing Travel Behaviour

T3: Managing Traffic Demand
T4: Urban Transport
T5: Inter Urban Public Transport
T14: Parking
ENV7: Quality of the Built Environment

- 3.3 Welwyn Hatfield District Plan 2005:
SD1: Sustainable Development
GBSP2: Towns and specified settlements
R3: Energy Efficiency
R7: Protection of Ground and Surface Water
M14: Parking standards for new developments
D1: Quality of design
D2: Character and context
D7: Safety by Design
D9: Access and Design for people with disabilities
EMP1: Employment Areas
EMP2: Acceptable Uses in Employment Areas
EMP3: Mixed Use Development Site at Broadwater Road West
Welwyn Hatfield District Plan, Supplementary Design Guidance, February 2005
Welwyn Hatfield District Plan, Supplementary Planning Guidance, Parking Standards, January 2004
Welwyn Hatfield District Plan, Broadwater Road West, Supplementary Planning Document, December 2008

4 Planning Considerations

- 4.1 The main considerations are the impact in planning terms in relation to sustainability, car parking and loss of employment land. The full details of these have been set out in the Planning Application report earlier on this agenda.
- 4.2 As outlined in the planning application report, the use of the land as a public car park is contrary to national, regional and district policy and therefore is unacceptable in planning terms.

5 Human Rights Considerations

- 5.1 The Local Planning Authority has considered the implications of the Human Rights Act 1998 ("the Act") regarding the unauthorised development. The following have been considered as relevant under the Act: -

Schedule 1 Part 1 The Convention Article 8 – the right to respect for private and family life, home and personal correspondence

Schedule 1 Part 2 The First Protocol Article 1 – the right to protection of property, including peaceful enjoyment of possessions

- 5.2 The Local Planning Authority considers both Article 8 of the Convention and Article 1 of the First Protocol can be interfered with where there is a need to consider the general interest and the rights and freedoms of others. In planning terms, where development infringes the rights and freedoms of others then the Local Planning Authority needs to consider if the needs of the community are greater than the needs of the individual in question.

- 5.3.1 In this case it is considered that this development has had a significant harmful impact on the area. It is considered that the rights of the community in this situation are infringed and enforcement action is warranted to control the use of property in accordance with the general interest.

6 Conclusion

- 6.1 The proposal, by virtue of its location, siting and number of spaces would result in an over provision of car parking spaces within Welwyn Garden City town centre and accordingly, would encourage increased travel and dependency on motor vehicles, as opposed to encouraging other sustainable and less environmentally damaging modes of travel. The proposal would therefore be contrary to the aims and objectives of PPG13: Transport, East of England Plan Policies T1, T2, Policy EMP3 and the Broadwater Road West Supplementary Planning Document (Adopted December 2008) of the Welwyn Hatfield District Plan 2005 and the Hertfordshire County Council Local Transport Plan. The applicant has failed to prove to the satisfaction of the Local Planning Authority that any material considerations exist to warrant a decision other than in accordance with these policies and guidance.

7 Recommendation

- 7.1 That the Head of Development Control be authorised as considered expedient to serve an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 requiring the recipient(s) to take the below steps, and to take any other action, including prosecution proceedings if necessary, to rectify the breach of planning control.

8 Remedy Required

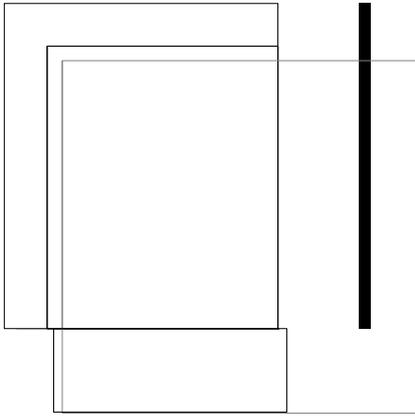
- 8.1 Cease the use of the land as a public car park and the removal of all associated structures, signage, fixtures and fittings

9 Time Limit

- 9.1 It is considered that one (1) month from the date on which the notice takes effect is a reasonable period of time in which to carry out the above steps.

Mitch Kitts, Strategy and Development

Date: 4th January 2011



Title:

Land at Hyde Way, WGC

Scale: DNS

Date: 20 January 2011

Project:

PCC Meeting

Drawing Number:

ENF/2010/427

Drawn: Andrew Windscheffel

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