

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

DELEGATED APPLICATION

Application No: 6/2022/1147/FULL
Location: Take-away Food Unit Adjacent To Zmlc 1 Hyde Way AL7 3BU
Proposal: Temporary change of use of land for the sale of hot food for a period of 18 months, with associated seating and waste storage arrangements
Officer: Mr Raymond Lee

Recommendation: Granted

6/2022/1147/FULL

Context	
Site and Application description	<p>The application site is located within a commercial area within the eastern part of Welwyn Garden City. The site itself is known as the former Shredded Wheat factory quarter. The application site consists of an area of hardstanding measuring approximately 350sqm, at the northern end of Hydeway. The site sits within the Former Shredded Wheat Factory site. The majority of the wider site has been cleared of structures, however some key features remain. To the north east are the retained Grade II listed factory buildings. To the south west are temporary buildings operating as a site office. To the south is a footbridge to Welwyn Garden City Station and the Town Centre.</p> <p>The application seeks planning permission for the temporary change of use of land for the sale of hot food for a period of 18 months, including the siting of vendor units, seating and waste arrangements.</p> <p>It is noted during the site visit that a food vendor unit with enclosed canopy roof structure previously approved under 6/2020/2100/FULL is still in-situ but was not in operation.</p>
Constraints (as defined within WHDP 2005)	<p>LBC - LISTED BUILDING Architect Louis de Soissons. Two concrete ranges - Distance: 0 EMPL - EA1 (Welwyn Garden City Industrial Area) - Distance: 0 Wards - Peartree - Distance: 0 CP - Cycle Path (Cycle Facility / Route) - Distance: 0 CP - Cycle Path (CYCLEABLE ROW / AGREEMENTS) - Distance: 0 FM00 - Flood Zone Surface Water 1000mm (7568088) - Distance: 0 FM00 - Flood Zone Surface Water 1000mm (7567790) - Distance: 0 HEN - No known habitats present (medium priority for habitat creation) - Distance: 0 SAGB - Sand and Gravel Belt - Distance: 0 BLR - Brownfield Land Regisrty(Welwyn Garden City - Broadwater Road West SPD Site (North - Pha) - Distance: 0</p>
Relevant planning history	<p>Application Number: 6/2020/2100/FULL Decision: Granted Decision Date: 16 March 2021</p>

Proposal: Change of use of land for the sale of hot food for a period of 12 months, including siting of associated vendors, seating and waste arrangements

Application Number: 6/2019/1347/FULL

Decision: Granted

Decision Date: 06 March 2020

Proposal: Extensions and improvements (398m²) to retained original 1920s Silos, Production Hall, Grain Store and Boiler House to enable the creation of an International Art Centre, including enhanced connectivity and access, and flexible uses within Block 4 and Block 5 (B1/D1/D2 Use Classes).

Application Number: 6/2019/0826/LB

Decision: Granted

Decision Date: 02 July 2019

Proposal: Extensions and improvements to retained original 1920s Silos, Production Hall, Grain Store and Boiler House to enable the creation of an International Art Centre, including enhanced connectivity and access.

Application Number: 6/2018/0171/MAJ

Decision: Granted

Decision Date: 15 February 2019

Proposal: Creation of a mixed-use quarter comprising the erection of up to 1,340 residential dwellings including 414 (31%) affordable dwellings (Use Class C3); 114 extra care homes (Use Class C2); the erection of a civic building comprising 497 m² of health (Use Class D1), 497 m² of community use (Use Class D1), 883 m² of office (Use Class B1) and 590 m² of retail (Class A1/A2/A3/A4/A5); alterations, additions and change of use of Grade II Listed Building and retained Silos to provide 5,279 m² of flexible business floorspace (Use Class B1), 270 m² Combined Heat and Power (Sui Generis), 2,057 m² International Art Centre (Use Class D1), 1,235 m² Gymnasium (Use Class D2), 1,683 m² of restaurant/coffee shop/bar (Use Class A1/A3/A4/A5), Creche/Day Nursery (Use Class D1) of 671 m² as well as a Network Rail TOC Building (Use Class B1) of 360 m²; plus associated car parking, access, landscaping, public art and other supporting infrastructure.

Application Number: 6/2018/2503/COND

Decision: Granted

Decision Date: 20 December 2018

Proposal: Submission of details pursuant to Condition 1 Parts 2 (Site Investigation Scheme Environmental Assessment) and 3 (Verification Plan) and Condition 3 Parts 1, 2 & 3 (Site Characterisation, Submission of Remediation Scheme and Implementation of Approved Remediation Scheme) and 5 (Long-Term Monitoring and Maintenance) on Planning Permission N6/2015/0294/PP

Application Number: 6/2017/2142/COND

Decision: Part Approved / Part Refused

Decision Date: 16 November 2017

Proposal: Submission of details pursuant to condition 1 (Contamination), 4 (Site Waste Management Plan), 5 (Construction Management Plan) and 7 (Landscape and Ecology Management Plan) on Planning Permission 6/2015/0294/PP, dated 18/08/2017

Application Number: N6/2015/0294/PP

Decision: Granted

	<p>Decision Date: 18 August 2017</p> <p>Proposal: Outline planning permission for part demolition, repair, restoration, extension and conversion of the former Shredded Wheat factory complex to include demolition of all buildings and structures except the original 1920's silos, production hall, grain store and boiler house. Refurbishment and change of use of the retained listed buildings to provide 2 Class C3 residential units, a Class C1 boutique/budget hotel, Class B1(a) offices, a Class A4 pub/bar, a Class D1 crèche and a Class D2 gym/dance/exercise studio. Erection of up to 850 Class C3 dwellings to potentially include up to 80 Class C2 (and/or C3 assisted living units), Class A1 retail, Class A3/A4 restaurants/cafés/bars/pubs, Class D1 community use and healthcare and Class D2 gym/dance/exercise studio floorspace. Provision of external space for leisure and recreation to include a linear park, external games/play area, allotments and a skate park. Creation of internal estate roads, paths, vehicle and cycle parking. Associated highway works comprising the widening of footways and the provision of cycle ways to Broadwater Road and Bridge Road, works to Hyde Way, junction remodelling works and the erection of a new footbridge from Bridge Road. Phase 1 (Blocks 2,3,4,5,6 & 7 on land to the north and west of Hyde Way and northern part of Block 1) – Includes Appearance, Means of Access, Landscaping, Layout and Scale in addition to all associated highway works . Phase 2 (Blocks 8,9,10,11 & 12 and southern part of Block 1 on land to the south of Hyde Way) – Includes Means of Access with Layout, Scale, Appearance and Landscaping reserved</p>		
Consultations			
Neighbour representations	Support: 0	Object: 0	Other: 0
Publicity	<p>Site Notice Display Date: 6 July 2022</p> <p>Site Notice Expiry Date: 27 July 2022</p> <p>Press Advert Display Date: 6 July 2022</p> <p>Press Advert Expiry Date: 27 July 2022</p> <p>Neighbour notification letters.</p>		
Summary of neighbour responses	None received.		
Consultees and responses	<p>WHBC - Public Health and Protection – No objection.</p> <p>Conservation Officer – No objection.</p> <p>HCC - Historic Environment Advisor – No response.</p> <p>HCC - Transport Programmes and Strategy – No response.</p>		
Relevant Policies			
<p><input checked="" type="checkbox"/> NPPF</p> <p><input checked="" type="checkbox"/> D1 <input checked="" type="checkbox"/> D2 <input type="checkbox"/> GBSP1 <input checked="" type="checkbox"/> GBSP2 <input checked="" type="checkbox"/> M14</p> <p><input checked="" type="checkbox"/> Supplementary Design Guidance <input checked="" type="checkbox"/> Supplementary Parking Guidance <input checked="" type="checkbox"/> Interim Policy for car parking and garage sizes</p> <p>Others: SD1, R19, TCR30</p> <p><u>Draft Local Plan Proposed Submission August 2016:</u></p>			

SP1 Delivering Sustainable Development
 SP4 Travel and Transport
 SP9 Place Making and High Quality Design
 SADM 2 Highway Network and Safety
 SADM 4 Development in Designated Centres
 SADM 11 Amenity and Layout
 SADM 12 Parking, Servicing and Refuse

Main Issues

Principle of Development

The application site falls within Broadwater Road West Opportunity Area and Welwyn Garden City Industrial Area (EA1), therefore Policies EMP2 and EMP3 of the District Plan are relevant.

Policy EMP3 of the District Plan identifies the site as an opportunity area of planned regeneration for mixed use development comprising primarily employment, housing, leisure and rail related uses. Policy EMP3 continues stating that development of the site shall also be in accordance with the criteria in Policy EMP2 and other relevant policies of the Plan relating to the uses proposed and the Broadwater Road West SPD and include the minimum quantum of Class B floor space. Policy EMP2 states that for development in the designated employment areas, any proposals for retail should clearly be ancillary to the main business use of the area.

Similar to the previous approved application (6/2020/2100/FULL), the proposed change of use and siting of associated vendors and seating is of relatively small scale therefore it is considered to be an ancillary element and would not detract from the primary business functions of the employment area. Furthermore, due to its temporary nature, the proposal would unlikely attract customers to the area but instead is likely to be used primarily by users of the rail station and those walking/cycling towards town. It should also be noted that planning permission was granted in 2019 (6/2018/0171/MAJ) for the creation of a mixed-use quarter on the wider application site which included 590 m² of retail use. Therefore the principle of the development is not objectionable.

District Plan Policies TCR30 sets out that proposals for temporary sales will only be permitted should they meet a set criterion. In this case, due to the modest scale and temporary nature of the proposed use, and its location outside of the primary retail core of Welwyn Garden City, the vitality and viability of nearby markets and shopping centres would not be harmed. With respect to the following criteria: *'The proposal would not have an adverse impact on the local transport infrastructure; The proposal would not harm the residential amenities of any nearby properties; The proposal would not harm the amenity of the area; and the proposal would not harm the ecology of the site'*, these matters are considered in the following sections of this report.

Visual impact of the development on the significance of the designated heritage asset

The application site is located within the setting of two listed buildings. Section 16 of the Listed Buildings and Conservation Areas Act states that the local planning authority shall have *"special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses"*. Paragraph 199 of the Framework outlines that, when considering the impact of proposed development on the significance of a designated heritage asset, 'great weight' should be given to the asset's conservation and the more important the asset the greater the weight it should be given. This is reflected within the aims of Policy SADM15 of the Emerging Local Plan 2016. District Plan Policies D1 and D2 require the standard of

	<p>design in all new development to be of a high quality and that all new development respects and relates to the character and context of the area in which it is proposed. These policies are expanded upon in the Council’s SDG and are consistent with Policy SP9 of the Emerging Local Plan 2016.</p> <p>It is proposed to station enclosed vendor units on the site with the associated hot food sales use which is similar to that approved under 6/2020/2100/FULL. In the current application, no details have been provided as to the appearance and size of the proposed vendor units. However a converted container along with an enclosed canopy roof structure painted in matte black was seen on site by the case officer during the site visit which is understood to have been left in-situ from the previous temporary permission which has since lapsed. Further clarification was provided by applicant and it was stated that the current kitchen unit placed at the site may change structurally and in position, and there may also be the siting of additional vendor units that would utilise the space subject to the change of use.</p> <p>In terms of visual impact, the locality is predominantly commercial in character as such the proposed hot food sale use would not be entirely out of context with its surroundings. The proposed hot food vendors and associated seating area would be sited on an area of existing hardstanding to the right of the gated entrance at the end of Hydeway adjacent to the listed structures on the east. As per the previous approved scheme, although the proposal would be visible from publicly accessible places, given that the development is for a temporary 18-month period and is limited to the siting of mobile catering structures and associated seating and bins, the proposed use of the land would not result in a permanent harmful impact upon the setting of the listed buildings. The significance of the heritage asset would therefore not be adversely affected. It is however considered necessary and appropriate, due to the lack of submitted plans, to continue to impose a restrictive condition upon approval to ensure that the height of any vendor unit to be sited does not exceed 3 metres to avoid appearing overtly dominant in the street scene.</p> <p>Furthermore, given the nature of the proposed use, it is not considered unreasonable or inappropriate to condition the development to ensure that all associated items with the proposed use would be removed and the land restored to its former state upon expiry of the temporary permission. No objections were raised by the Conservation Officer to the proposed development subject to the aforementioned conditions.</p> <p>The development would therefore be in compliance with Policies D1 and D2 of the District Plan, SP9 and SAMD15 of the Emerging Local Plan 2016 and the NPPF.</p>
<p>Impact on neighbours</p>	<p>Policies D1, R19 and the Supplementary Design Guidance aim to preserve neighbouring amenity. In addition, the NPPF seeks to secure high quality design and good standard of amenity for all existing and future occupiers of land and buildings</p> <p>As previously mentioned, the application site is located within a defined employment area where there are currently no immediate residential dwellings adjoining the site. The proposed hours of operation are 08:00 to 00:30 Monday to Sunday (including Public Holidays) which the applicant states would be in line with the premises license. Whilst the proposed closing time is at 12:30am, it is not considered to result in an adverse impact on the amenity of</p>

	<p>surrounding uses given that there are no residential properties in close proximity to the site. Therefore it would not be reasonable to restrict the operating hours by condition. Furthermore, no objection was raised by the Environmental Health Team in terms of noise, disturbance, odour, pollution or light pollution. The proposed development would therefore retain an acceptable level of amenity with neighbouring properties and complies with Policies D1 and R19 and the NPPF.</p>
<p>Access, car parking and highway considerations</p>	<p>With regard to car parking, Policy M14 of the District Plan and the Parking Standards SPG use maximum standards and are not consistent with the Framework and are therefore afforded less weight.</p> <p>Similar to the previous application, there will be no designated vehicle parking for the proposed use however, given the location and nature of the operation, the majority of customers will likely access the site on foot or by cycling whilst utilising the footbridge to access the Station and Town Centre. The proposal would unlikely draw customers visiting by car, nevertheless the site is considered highly accessible and benefits from nearby established parking facilities should the need arise.</p> <p>In terms of highway safety impact, the application site is not located within public adopted highway. However, as the site is adjacent to a public footpath to the south and given that the scheme also proposes a seating area for customers, it would be reasonable and appropriate to continue to impose a condition to ensure that the development would be located only within the confines of the red line boundary as submitted to avoid encroachment into public highway land. Consequently, it is considered that the proposed use in this location, would not result in any detrimental impact to highway safety.</p>
<p>Landscape and Ecology</p>	<p>The proposed food/drink vendor units and associated paraphernalia will be wholly sited amongst an area of existing hardstanding therefore no concerns are raised with respect to landscape and ecology.</p>
<p>Waste provision</p>	<p>In terms of provisions for waste, the applicant confirmed that a glass, mixed recycling, and general waste bin will be available on site which will be collected on a weekly basis. It was also stated by the applicant that there could potentially be a second collection each week depending on the level of business should the need arise. Given that bins would be provided within the site and provisions will be in place for waste collection, the proposed scheme would be acceptable in this regard.</p>
<p>Conclusion</p>	
<p>Having regard to all of the above, subject to the suggested conditions, the proposed development would accord with the relevant national and local planning policy. It is therefore recommended that a 18 month temporary planning permission be granted.</p>	

Conditions:

1. This permission is for a limited period only expiring on 17 February 2024. The operational development hereby permitted shall be removed, the use hereby permitted shall be discontinued, and the land fully restored to its former condition

on or before that date, unless planning permission is granted on an application made to the Local Planning Authority.

REASON: To enable the Local Planning Authority to fully consider the effects of the development in the interests of appropriateness and visual amenity in accordance with Policies D1, D2, GBSP2 and SD1 of the Welwyn Hatfield District Plan 2005, SP9 and SADM15 of the Emerging Local Plan 2016 and the National Planning Policy Framework.

2. The vendor units to be stationed on site for the purposes of the hot food sales shall be no greater than 3 metres in overall height.

Reason: In the interests of appropriateness and visual amenity in accordance with Policies D1, D2, GBSP2 and SD1 of the Welwyn Hatfield District Plan 2005, SP9 and SADM15 of the Emerging Local Plan 2016 and the National Planning Policy Framework.

3. The proposed use, vendors and seating area shall be wholly located within the confines of the application site as delineated with a red line on drawing number E0-100 P3.

REASON: In the interests of unimpeded pedestrian access facilities in accordance with Policy M5 of the Welwyn Hatfield District Plan.

DRAWING NUMBERS

4. 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
E0-001	P3	Site location plan	22 June 2022
E0-100	P3	Block plan	23 June 2022

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 paragraph 38 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 or legal interest (easements or wayleaves) which may affect the land.

2. The applicant must contact the Licensing Team to obtain Street Trading Consent (if not already undertaken). For more information please visit the following website: <https://www.welhat.gov.uk/streettrading>
3. The applicant is advised to contact Environmental Health at Campus East, Welwyn Garden City, Tel: 01707 357242, with regard to the necessary food, hygiene and sanitary standards.
4. Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047
5. Notwithstanding the consent issued under the Town and Country Planning Act, a licence issued under the provisions of Section 115E of the Highways Act 1980 may be required prior to the placement of any tables, chairs or other apparatus in the public highway. The applicant will need to apply to the County Council Highways via either the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or telephone 0300 1234047 to arrange this.

Determined By:

Mr Derek Lawrence
16 August 2022