

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

**DELEGATED APPLICATION**

**Application No:** 6/2020/2100/FULL  
**Location:** Former Shredded Wheat Factory Broadwater Road Welwyn Garden City AL7 1RR  
**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  
**Officer:** Mr Raymond Lee

**Recommendation:** Granted

6/2020/2100/FULL

<b>Context</b>	
<b>Site and Application description</b>	<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 two areas of land, each measuring approximately 60sqm, at the western end of Hydeway. The two areas are clear of vegetation and structures and currently consist of hardstanding.</p> <p>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 12 months, including the siting of vendor units (vans/containers etc), seating and waste arrangements.</p> <p>It should be noted that the location of the proposals has been amended during the course of the application and as a result, was subject to a full round of consultation.</p>
<b>Constraints (as defined within WHDP 2005)</b>	<p>LBC - LISTED BUILDING Architect Louis de Soissons. Two concrete ranges - Distance: 0  LBC - LISTED BUILDING 1938-40 by Otto R Salvisberg of Zurich in - Distance: 0  EMPL - EA1 (Welwyn Garden City Industrial Area) - Distance: 0  Wards - Peartree - Distance: 0  CP - Cycle Path (Cycle Facility / Route) - Distance: 2.79  CP - Cycle Path (CYCLEABLE ROW / AGREEMENTS) - Distance: 0  FM30 - Flood Zone Surface Water 30mm (1866201) - Distance: 0  FM10 - Flood Zone Surface Water 100mm (2712307) - Distance: 0  HEN - No known habitats present (medium priority for habitat creation) - Distance: 0  HEN - No known habitats present (high priority for habitat creation) - Distance:</p>

	<p>0  SAGB - Sand and Gravel Belt - Distance: 0  PDS - Potentially Dangerous Sites(73 Salvisberg Court, Otto Rd,AL8 6AE) - Distance: 1.35  BLR - Brownfield Land Regisrty(Welwyn Garden City - Broadwater Road West SPD Site (North - Pha) - Distance: 0  BLR - Brownfield Land Regisrty(Welwyn Garden City - Broadwater Road West SPD Site (West)) - Distance: 0  BLR - Brownfield Land Regisrty(Welwyn Garden City - Broadwater Road West SPD Site (Central - R) - Distance: 0</p>
<p><b>Relevant planning history</b></p>	<p>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).</p> <p>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.</p> <p>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 m<sup>2</sup> of health (Use Class D1), 497 m<sup>2</sup> of community use (Use Class D1), 883 m<sup>2</sup> of office (Use Class B1) and 590 m<sup>2</sup> 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 m<sup>2</sup> of flexible business floorspace (Use Class B1), 270 m<sup>2</sup> Combined Heat and Power (Sui Generis), 2,057 m<sup>2</sup> International Art Centre (Use Class D1), 1,235 m<sup>2</sup> Gymnasium (Use Class D2), 1,683 m<sup>2</sup> of restaurant/coffee shop/bar (Use Class A1/A3/A4/A5), Creche/Day Nursery (Use Class D1) of 671 m<sup>2</sup> as well as a Network Rail TOC Building (Use Class B1) of 360 m<sup>2</sup>; plus associated car parking, access, landscaping, public art and other supporting infrastructure.</p> <p>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 &amp; 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</p> <p>Application Number: 6/2017/2142/COND  Decision: Part Approved / Part Refused  Decision Date: 16 November 2017</p>

	<p>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</p> <p>Application Number: N6/2015/0294/PP  Decision: Granted  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/café/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 &amp; 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 &amp; 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>		
<b>Consultations</b>			
<b>Neighbour representations</b>	Support: 0	Object: 0	Other: 0
<b>Publicity</b>	Site Notice Display Date: 28 September 2020 Site Notice Expiry Date: 19 October 2020 Press Advert Display Date: 16 September 2020 Press Advert Expiry Date: 7 October 2020 Neighbour notification letters		
<b>Summary of neighbour responses</b>	None received.		
<b>Consultees and responses</b>	WHBC - Public Health and Protection – No objection. HCC - Historic Environment Advisor – No comment. HCC - Hertfordshire Transport Programmes & Strategy – No objection. HCC – Rights of Way North – No response. Conservation Officer – No objection.		

Relevant Policies	
<p> <input checked="" type="checkbox"/> NPPF  <input checked="" type="checkbox"/> D1   <input checked="" type="checkbox"/> D2   <input type="checkbox"/> GBSP1   <input checked="" type="checkbox"/> GBSP2   <input checked="" type="checkbox"/> M14  <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  Others: SD1, R19, TCR30 </p> <p><u>Draft Local Plan Proposed Submission August 2016:</u></p> <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 </p>	
Main Issues	
<p><b>Principle of Development</b></p>	<p>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.</p> <p>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.</p> <p>In this case, the proposed change of use and siting of associated vendors and seating is of such a small scale 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, it would unlikely in itself to attract customers to the area but instead is likely to be used primarily by users of the rail station. 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 m<sup>2</sup> of retail use. Therefore the principle of the development is unobjectionable.</p> <p>District Plan Policies TCR30 sets out that proposals for temporary sales will only be permitted should they meet the following criteria: The proposal would not have an adverse impact on the local transport infrastructure; The vitality and viability of nearby markets and shopping centres would not be harmed; 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.</p> <p>These matters are considered in the following sections of this report.</p>
<p><b>Visual impact of the development on the</b></p>	<p>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 “<i>special regard to the desirability of preserving</i></p>

<p><b>significance of the designated heritage asset</b></p>	<p><i>the building or its setting or any features of special architectural or historic interest which it possesses</i>". The specific historic environment policies within the Framework are contained within paragraphs 126-141. Paragraph 185 of the Framework is relevant.</p> <p>Paragraph 193 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.</p> <p>District Plan Policies D1 and D2 require the standard of 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>In terms of visual impact, it is proposed to station vendors on the site with the associated hot food sales use. The area is predominantly commercial in character as such the proposal would not be entirely out of context with its surroundings. No details have been provided as to their appearance and size however it was stated by the applicant that the vendors would be housed in a temporary unit such as a vehicle, trailer, stall, or converted container which would be left securely on site.</p> <p>The proposed vendors 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. Although visible from publically accessible places, the proposed use of the land and the siting of vendors would not result in a permanent harmful impact upon the setting of the listed buildings given that the development is for a temporary 12 month period and is limited to the placement of discrete mobile catering structures and associated seating and bins. The significance of the heritage asset would therefore not be adversely affected. It is however considered necessary and appropriate in this instance, due to the lack of details, to impose a restrictive condition upon approval to ensure that the height of the units do not exceed 3 metres to avoid appearing overtly dominant. Furthermore, given the nature of the 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><b>Impact on neighbours</b></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>The site is located within a define employment area. There are no immediate residential dwellings adjoining the site. The proposed hours of operation are 06:00 to 22:00 Monday to Saturday and 10:00 to 20:00 on Sundays and Public</p>

	<p>Holidays. These operating hours are not considered to result in an adverse impact on the amenity of surrounding uses. As there are no residential properties in close proximity to the site, it would not be reasonable to restrict the operating hours by condition. No objection were raised by the Environmental Health Team in terms of noise, odour, pollution or light pollution.</p> <p>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>
<b>Access, car parking and highway considerations</b>	<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>In this case, 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 considered highly accessible and benefits from nearby established parking facilities should the need arise.</p> <p>The Highways Authority has confirmed that the application site is not located within public adopted highway and it is noted that no response has been received from the rights of way team. However, as the site is adjacent to a public footpath and given that a seating area is proposed, it would be reasonable and appropriate in this instance 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.</p> <p>Consequently, it is considered that the proposed use in this location, would not result in any detrimental impact to highway safety.</p>
<b>Landscaping Issues</b>	None.
<b>Waste provision</b>	It is proposed to provide separate refuse/recycling storage for commercial waste from the vendors and waste from customers. The plans suggest that there would be designated areas within the site reserved for bins. Given that bins would be provided, it is not considered that there would be sufficient grounds to withhold permission in this instance however this is subject to condition for details on waste management.
<b>Other matters</b>	Public Health and Protection has raised no objections to the application. An informative is however recommended relating to obtaining street trading consent (if this is not already in place).
<b>Conclusion</b>	
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 12 month temporary planning permission be granted.	

**Conditions:**

1. This permission is for a limited period only expiring on 17 March 2022. 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 2019.

2. Prior to occupation, details of waste management measures comprising bins for food waste, litter and materials recycling shall be submitted to and approved in writing by the Local Planning Authority. Subsequently the refuse and recycling bins shall be brought into use and retained for the entire permission period.

REASON: To ensure measures are in place to minimise waste generation and maximise the on-site and off-site reuse and recycling of waste materials, in accordance with the Welwyn Hatfield District Plan Policy R5.

3. 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 2019.

4. 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 SK-003 Rev 3 dated 24 July 2020.

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

**DRAWING NUMBERS**

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

<b>Plan Number</b>	<b>Revision Number</b>	<b>Details</b>	<b>Received Date</b>
SK-001	B	Location Plan - Temporary Use Location	19 February 2021
SK-002	B	Existing Site Plan	19 February 2021
SK-003	C	Temporary Use Illustrative Layout	19 February 2021

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 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.
3. 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
4. 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 Michael Robinson  
16 March 2021