

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

DELEGATED APPLICATION

Application No: 6/2021/0149/LAWP
Location: 35-37 Howardsgate Welwyn Garden City AL8 6AP
Proposal: Certificate of Lawfulness for the use of the property as a class E Cafe
Officer: Mrs Sarah Madyausiku

Recommendation: Granted

6/2021/0149/LAWP

Context			
Site and Application description	<p>The application site is a vacant ground floor unit (previously an A1 shop operated by Halfords, of approximately 370sqm), within the Core retail zone and the primary retail frontage of Welwyn Garden City (WGC) town centre (Draft Local Plan, 2016). It is within a building with residential units on the upper floors.</p> <p>The application seeks confirmation, via a certificate of lawfulness, to confirm whether the proposed use of the ground floor unit can be within Class E “café” of the Town and Country Planning (Use Classes) Order 1987 (as amended) (UCO).</p> <p>The site is within a Conservation Area and within a Primary Retail Frontage within Welwyn Garden City Town Centre.</p>		
Relevant planning history	None		
Consultations			
Neighbour representations	Support: 1	Object: 0	Other: 0
Summary of neighbour responses	<ul style="list-style-type: none"> 50 Church Road Comment: Supports the application 		
The main issues are:			
Whether the proposed works are permitted development by virtue of the Town and Country Planning (Use Classes) Order 1987 (as amended).			
<p>The Business and Planning Act 2020 introduced a significant change to the Use Classes Order. The new regulations (effective from 1 September 2020) introduce a broad category of ‘commercial, business and service’ uses, known as Class E.</p> <p>The existing Classes A1 to A5, B1, D1 and D2 are revoked.</p>			

The new Class E effectively amalgamates the former Class A1 (retail), Class A2 (financial and professional services), A3 (restaurants/cafes), B1 (offices) along with health/medical uses, creches, nurseries (all formerly D1 uses) and indoor sports/recreation (formerly D2 use). Permission is not required to change between any of the uses within the new Class E.

The only retail uses not included in Class E are small shops under 280 square metres, selling 'essential' goods and not located within 1km of other similar shops. These shops are now in Class F2.

The existing unit is a ground floor unit of approximately 370sqm with a small section of rear first floor of approximately 90sqm. It is vacant, but its last use was as an A1 retail unit. The total floor area of the unit exceeds 280 square metres and its previous lawful use was in the now revoked Class A1.

Conclusion

The proposed use as a café would fall under Class E of the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 which amend the Town and Country Planning (Use Classes) Order 1987.

Conditions:

1. The proposed use as a café would fall under Class E of the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020.

DRAWING NUMBERS

2. 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
A01B		Location and Site Plan	19 January 2021
A04B		Proposed Ground Floor Plan	19 January 2021
A02B		Existing Floor Plans	19 January 2021
A05B		Proposed First Floor	19 January 2021

REASON: To ensure that the development is carried out in accordance with the approved plans and details.

Determined By:

Mr Jonathan Murray

12 March 2021