

LDC (Proposed) Report		Application number	2023/1746/P
Officer		Expiry date	
Leela Muthoora		23/06/2023	
Application Address		Authorised Officer Signature	
75 Haverstock Hill London NW3 4SL			
Conservation Area		Article 4	
Eton		Basement	
Proposal			
Use of ground floor as a nail bar (Class E)			
Recommendation:		Grant Certificate of Lawful Development	

Site Description

The application site refers to the ground floor commercial premises within a small parade forming 73-81 Haverstock Hill on the southern side of the street.

The site is not statutorily listed but is situated within the Eton Conservation Area. The Eton Conservation Area Statement (2002) identifies the site as making a positive contribution to the Conservation Area, including valuable streetscape elements in front of the shops.

Proposal

The proposal relates to the ground floor only. The proposal is use of the ground floor unit as a nail bar within Class E use class. The existing use is a garden design office / professional service.

Site History

App ref	Development Description	Decision & Date
9100908	Change of use of ground and lower ground floors from A2 use to Class B1 office use.	Granted 17/10/1991
G9/14/10/ 33934	Change of use of extension at lower ground floor levels to offices for insurance and mortgage broker.	Conditional 15/06/1982
G9/14/10/ 32665	Change of use of the lower ground floor to offices for insurance and mortgage broker.	Conditional 19/10/1981
G9/14/10/ 30084	Change of use of the ground floor only to offices for use by insurance brokers.	Refusal 08/05/1980 Appeal Allowed 09/06/1981
G9/14/10/ 29181	Change of use of ground and first floors from retail and ancillary use and residential use to office use.	Refusal 12/11/1979
G9/14/10/ 22288	Change of use of ground floor from shop to offices with ancillary storage.	Refusal 01/04/1976

Relevant legislation

Section 55(2)(f) of the Town and Country Planning Act 1990 (as amended)

Use Classes Order 1987

Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020.

Assessment

The proposal relates to the ground floor only.

The most recent use in the planning history is as B1(a) office use. The use was revoked from 1 September 2020 and now falls within Class E(g). The Council's retail surveys, and online street views indicate that the premises has been in use as a kitchen showroom and garden designer since 2011.

Under Schedule 2, Part A of the Town and Country Planning (Amendment) (England) Regulations 2020, Class E now more broadly covers uses previously defined in the revoked Classes A1/2/3, B1, D1(a-b).

Class E categories within Commercial, business and service use include-

(c) for the provision of the following kinds of services principally to visiting members of the public -

- (i) Financial services;
- (ii) Professional services (other than health or medical services), or
- (iii) Any other services which it is appropriate to provide in a commercial, business or service locality."

The proposed use as a nail bar is considered to fall under Class E (c) (iii) any other services which it is appropriate to provide in a commercial, business or service locality.

As a result, there would be no material change of use from office to nail salon, and the change of use would not require planning permission.

Conclusion

The change of use of the ground floor from office to nail salon does not fall within the "meaning of development" requiring planning permission as defined by Section 55 of the Town and Country Planning Act 1990.