

Delegated Report		Analysis sheet	Expiry Date:	31/01/2023
		N/A	Consultation Expiry Date:	
Officer			Application Number(s)	
Sam FitzPatrick			2022/4105/P	
Application Address			Drawing Numbers	
11 Portpool Lane Camden London EC1N 7UJ			Refer to decision notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Use of basement and ground floor as tattoo salon (Class E).				
Recommendation(s):	Grant certificate of lawfulness			
Application Type:	Certificate of Lawfulness (Proposed)			
Conditions or Reasons for Refusal:	Refer to Draft Decision Notice			
Informatives:				

Site Description
<p>The host building is a five-storey building located on the southern side of Portpool Lane, near the junction of Portpool Lane and Leather Lane. The ground floor and basement of the site was most recently used as a hairdressers and beauty salon.</p> <p>The application site is located within the Hatton Garden Conservation Area and is Grade II listed.</p>
Relevant History
<p>2007/1646/L: Erection of a new shopfront involving installation of glass door and windows. Withdrawn by Council.</p> <p>2007/1644/INVALID: Erection of a new shopfront to existing retail unit (Class A1). Withdrawn by Council.</p>
Relevant legislation
<p>Town and Country Planning Act 1990 Town and Country Planning (Use Classes Order) 2015 The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020</p>

Assessment

A certificate of lawfulness for proposed development has been submitted to establish whether the use of the basement and ground floor at 11 Portpool Lane as a tattoo parlour for commercial, business, and service use (Class E) would be lawful.

The planning history, local authority retail survey, and street photography sets out the use of the property over recent years. The unit has, until recently, been in retail use as a hairdressers and beauty salon under the name of 'Clerkenwells'. This is confirmed by street photography dated Jun 2012 (see photo below – 11 Portpool Lane furthest left unit of shopfronts shown), as well as the local authority retail survey, which shows the unit as either Ea or A1.



The use of a unit as a tattoo salon has been deemed to fall within Class E, due to planning precedent such as the appeal decision APP/V5570/C/21/3277829, which judged nail salons to fall within Class E(c)(iii). A tattoo salon is considered to also fall within Class E(c)(iii) – *'other services which it is appropriate to provide in a commercial, business, or service locality'*.

On 1 September 2020, the Town and Country Planning (Use Classes Order) 2015 was amended and introduced new use classes. Retail and shop uses were previously within Use Class A1. This is confirmed in the Land Use Gazetteer.

The planning history at the application site does not include any conditions restricting the use of the premises.

Class A1 was revoked, and a new Class E was introduced on 1 September 2020. Schedule 2, Part A, of the amended use classes order has resulted in the uses previously falling within the following classes: A1, A2, A3, B1 along with some D1 and D2 uses, being under the same use class, Class E (commercial, business, and service use). The applicant's evidence to substantiate the lawful use is reference to the site's planning history, the local authority retail survey, and street photography. On the basis of the site history, the local planning authority agrees that the existing lawful use of the ground floor which was previously A1 would now be within Class E. The NPPG states that *'Movement from one primary use to another within the same use class is not development and does not require planning permission'*. Therefore, movement between Class E uses at the premises would not be a material change of use under the amended GPDO, and as such would not constitute development.

Recommendation: Grant Certificate of Lawful Development.