



Concept Planning Ltd
info@conceptplanning
www.conceptplanning.co.uk
07955815983

Date: March 2024
Our reference: 0650

Planning Statement

Site address:

6 Ferdinand Street
London
NW1 8ER



**Applicant:**

Concept Planning is acting on behalf of the owner of the site Simon Darvish

Contents:

- 1.0 Introduction**
- 2.0 The site and surroundings**
- 3.0 Proposal**
- 4.0 Site Planning History**
- 5.0 Planning Policy context**
- 6.0 Principle of Development**
- 7.0 Visual appearance**
- 8.0 Neighbouring amenity impact**
- 9.0 Highway and servicing**
- 10.0 Conclusion**
- Appendix A – site photos**

List of Figure

- 1 – Location plan and constraints*
- 2 – Camden Town centre Boundary*
- 3 – Extraction Flue 3D*

1.0 Introduction:

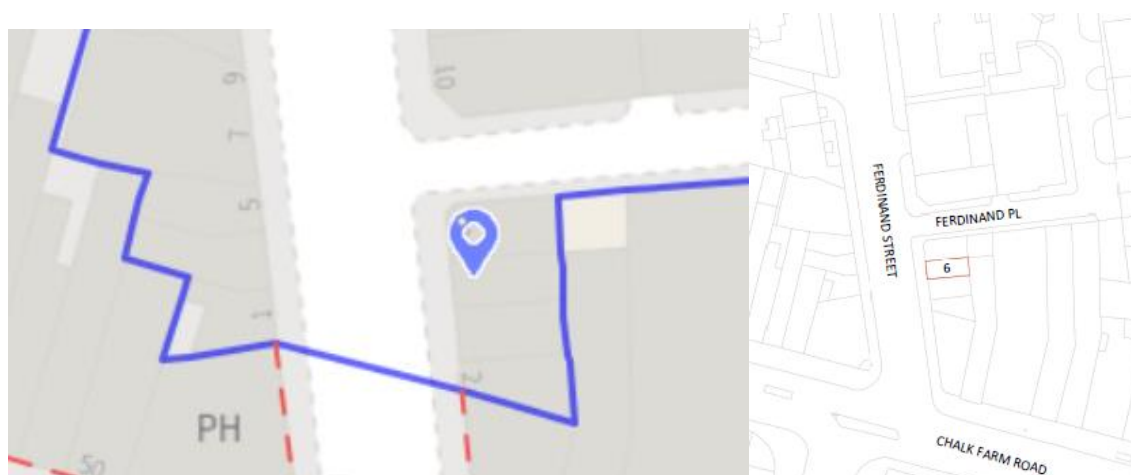
- 1.1 The Planning Statement has been prepared to accompany a Full planning application seeking planning approval for the change of use from E-Class (Party business) to a Sui generis (Restaurant/takeaway) and installation of rear extraction flue.
- 1.2 The planning application is supported by specialist Odour and noise reports outlining accordance with relevant policies.



2.0 The site and surroundings:

- 2.1 The site is a recently vacant party fancy dress shop (Class E(i)) unit formed of a two storey terrace with a basement level. The site is part of a terrace of four units all with original butterfly roofs located on the east side of Ferdinand Street leading to Chalk Farm Road. The site is bordered to the east by a three storey building accessed from No 2 Ferdinand Place.

Figure 1 – Location plan and constraints



- 2.2 The site is located outside the Camden Town Centre and retail designation, is not Listed and not within the Harmood Street or Regents Canal conservation area nor considered to be within their setting. The site is flanked by spiritual bar (Public house No 4) and BUK (No 8) a burger takeaway/diner.



Figure 2 – Camden Town centre Boundary



3.0 Proposal:

- 3.1 Change of use from E-Class (Party business) to a Sui generis (Restaurant/takeaway) and installation of rear extraction flue.

4.0 Site planning history:

- 4.1 Reference – 2006/1710/P
Description – Change of use of first floor storage ancillary to shop (Class A1) to mini cab office (Raio control only) (Class B1)
Decision – Granted 12/06/2006

5.0 Planning Policy context:

- 5.1
1. National Planning Policy Framework (NPPF) (December 2023)
 2. London Plan (adopted 2021)
 3. Camden Local Plan (adopted 2017)



4. Camden Planning guidance (CPG), Design (2021), amenity (2021) and Town Centres and Retail (2021),

- 5.2 The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.
- 5.3 Since the adoption of the Camden Local Plan (2017) shifts in the commercial property landscape have led to significant changes in the Use Classes Order to enable greater flexibility. An amendment to the Order was introduced on 1st September 2020, which included the creation of Class E as a cover-all 'commercial, business and service' use class. Class E combined previous A1 (retail), A2 (financial and professional), A3 (restaurants and cafes) as well as parts of D1 (non-residential institutions) and D2 (assembly and leisure).
- 5.4 The Government's stated purpose of reforming the Use Class classifications was to 'give high streets the ability to adapt quickly to new uses where they might be greater value'. The changes are intended to increase the speed in which buildings can be repurposed and to allow a building to be used flexibly by having a number of uses taking place concurrently or by allowing different uses to take place at different times of day.
- 5.5 Section 38 of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with policies in the Development Plan unless material considerations indicate otherwise.

6.0 Principle of development:

- 6.1 The site has predominantly been in operation as a traditional retail use until 2013 when the site changed to a radio taxis office (see site planning history), the site then suffered from a period of vacancy until operating as a fancy dress party shop (E-class) from 2021 until the latter half 2023 when the business became unviable.
- 6.2 The premises is in a peripheral position on Ferdinand Street off the main thoroughfare of Chalk Farm Road and as such, is not located within the designated Camden Town, Town centre demise. The overarching policy towards material uses along the modest stretch of Ferdinand Street is as a result, more flexible.



- 6.3 Policy TC3 (Shops outside of centres) of the Camden Local Plan (2017) addresses sites such as No 6 Ferdinand Street in paragraph 9.25. Shops are defined as ...“many individual shops, cafés and small shopping and service parades, complementing the role of larger town and neighbourhood centres”. Policy TC3 considers the loss of shops as acceptable outside designated centres provided:
- a. alternative provision is available within 5-10 minutes’ walking distance;
 - b. there is clear evidence that the current use is not viable; and
 - c. within the Central London Area, the development positively contributes to local character, function, viability and amenity.
- 6.4 The existing shop previously operated as a bespoke party shop but would fall under the old A1 retail use now Class E. In this instance parts a. and b. of policy TC3 are satisfied. There is ample alternative premises options and competition, and the site is unviable for its current retail use. The proposed change to Sui generis (Restaurant/takeaway) would therefore meet the requirement of policy TC3 and there is a history of non-retail uses on site as a radio taxis site. The now vacant retail use is quite a recent operation.
- 6.5 The adopted London Plan (2021) Policy E9 outlines that development for hot food takeaways should be managed to avoid over concentration in designated centres. The Town Centre and Retail CPG supplements the aforementioned Local Planning Policy Objectives.
- Sub part D of Policy E9 states “development proposals containing A5 hot food takeaway uses should not be permitted where these are within 400 metres walking distance from the entrances and exits of an existing or proposed primary or secondary school. Boroughs that wish to set a locally-determined boundary from schools must ensure this is sufficiently justified. Boroughs should also carefully manage the over-concentration of A5 hot food takeaway uses within town centres and other areas through the use of locally-defined thresholds in Development Plans”.
- 6.6 For clarity, A5 (takeaway) use class has been replaced with sui-generis for takeaways and the site is not in a designated town centre. The application premises is modest with an internal floorspace of 56m² and so any effect on the areas shopping scope would be modest. The site is in excess of 400 metres from entrances and exits of schools, with the closest schools identified below,



- 482m from Haverstock school
- 643m from Holy Trinity and St Silas C of E Primary School
- 630m from Rhyl Community primary school

6.7 In conclusion, the modest scale of the premises, history of use outside traditional retail (mini cab officer 2013-2018), history of recent and current viability issues and the premises location outside a designated Town centre all permit the proposed change of use. The development is therefore acceptable in principal and accords with London Plan (2021) Policy E9 and Camden Local Plan (2017) Policy TC3, and the overarching policies in the NPPF (2023).

7.0 Visual appearance:

- 7.1 Policy D1 (Design) of Camden adopted Local Plan (2017) requires new development to achieve the highest design standards, ensuring that development respects the local context and promotes the creation of active frontages at street level. Local Plan Policy D1 require new development and shop fronts to be designed to high standards including material finish and detailing, having regard to the surrounding area.
- 7.2 In this instance no external changes are sought beyond the installation of the rear extraction flue shown in Figure 3. The rear location would be unapparent from the streetscene beyond the side road Ferdinand place and in any event would be adjacent an almost identical extract fan at No 8 Ferdinand Street approved in 2015. The local area is typified by similar types of development at the rear elevations to facilitate the respective uses and improve the vibrancy and vitality of the area.



Figure 3 – Extraction Flue 3D



8.0 Neighbouring amenity impact:

- 8.1 Policy A1 (Managing the impact of development) of the Camden Local Plan (2017) states “the Council will seek to protect the quality of life of occupiers and neighbours. We will grant permission for development unless this causes unacceptable harm to amenity”. New development should protect neighbour amenity in respect to privacy, outlook, light, noise and odour impacts.
- 8.2 The installation of a rear mounted extraction flue is the principle consideration in regard to the impact on amenity of the residential flats within the building at No 2 Ferdinand Place located to the east of the property.
- 8.3 Policy A4 (Noise and vibration) seeks to ensure that noise and vibration is controlled and managed. The council will only grant permission for noise generating development, including any plant and machinery, if it can be operated without causing harm to amenity. Para 6.22 of the Local Plan outlines the stance on Odours, fumes and dust stating,

“We will require all development likely to generate nuisance odours to install appropriate extraction equipment and other mitigation measures. These should be incorporated within the building where possible. External extraction equipment and



ducting should be sited sensitively, particularly on listed buildings and within conservation areas. Further details can be found in our supplementary planning documents Camden Planning Guidance on design and Camden Planning Guidance on amenity.

- 8.4 The amenity CPG advises that proposals for food and drink uses should be accompanied by an acoustic report, and as such, the proposed is accompanied by an odour and noise report, outlining the mitigation for the Sui generis use.
- 8.5 The opening hours for the restaurant/ takeaway are between 11am and 11pm Monday - Sunday. No external seating is proposed. The proposal does not include extensions to the building or new windows and therefore no adverse light, privacy, outlook or overbearing impacts arise as a result of the development.
- 8.6 The development accords with Camden Local Plan Policies TC3, A1 and A4, and amenity CPG and the objectives of the NPPF.

9.0 Highway and servicing:

- 9.1 The modest scale of the premises 56m² and high PTAL level of 6a (highest but one 6b) is not considered to result in the need for either staff or visitor parking. The low level serving requirements mean off street deliveries are feasible and Ferdinand Place provides an appropriate stopping point. The development does not result in severe highway impacts and so no transport concerns are considered relevant in this instance.

10.0 Conclusion

- 10.1 The Planning Statement provides a robust assessment of the proposed development and justifies against adopted planning policy. The content of the statement demonstrates the development is in keeping with the character of the surrounding area, and appropriate noise and odour mitigation has been installed to prevent adverse neighbour amenity impacts arising. The change of use would maintain an active unit in the location witnessing increased levels of vacancy rates. There is no conflict with the adopted development plan policies most relevant to the determination of the application. It is therefore respectfully requested that planning permission is granted.



- 10.2 Section 70(2) of the Planning Act 1990 and section 38(6) of the Planning and compulsory Purchase Act 2004 states that where an application accords with the relevant development plan and material considerations are in favour, applications should be determined positively. As such based on the above principles, we would therefore kindly request that the council seek to support this proposal and issue a grant of consent of this application without delay.

Appendix A – Site photos

Rear elevation





