
Planning Statement

187 Kentish Town Road, London, NW1 8PD

Prepared by Savills (UK) Limited

Applicant: 187 Kentish Town Limited

June 2024

Contents

1. Introduction	3
2. Context of the Proposal	5
3. Background & Pre-Application Engagement	10
4. The Proposed Development	16
5. Planning Policy Framework	17
6. Planning Assessment	21
7. Conclusions	39

1. Introduction

1.1. This Planning Statement has been prepared by Savills (UK) Limited (“Savills Planning”) and is submitted in support of a Full Planning Application. It is made on behalf of 187 Kentish Town Limited (“the Applicant”) for flexible use at ground floor level at 187 Kentish Town Road, London, NW1 8PD (the “Site”) in the London Borough of Camden (“LBC” / the “Council”).

Description of Development

1.2. It is proposed to change the ground floor cinema use to a flexible use incorporating Cinema (Sui Generis) / Class F.1 / Class F.2 / Class E.

1.3. As such, full planning permission is sought for the following:

1.4. *“Change of ground floor use from Cinema (Sui Generis) to Flexible Use for Cinema (Sui Generis) / Class F.1 / Class F.2 / Class E.”*

1.5. The proposals are set out further in **Section 4** of this Planning Statement.

Pre-Application Engagement

1.6. The Applicant has engaged with the Council, the local community and key stakeholders prior to the submission of this application.

1.7. The pre-application engagement undertaken is set out further in **Section 3** of this Planning Statement.

Supporting Information

1.8. This Planning Statement sets out the application proposals and relates them to national, regional (London) and local (Camden) planning policies. This Statement should be read in conjunction

1.9. The documents submitted for approval are:

- **Site Location Plan (Ref. KTR-VBL-XX-XX-DR-A-00.000 Rev P1)**, prepared by Vabel;
- **Proposed Ground Floor Commercial Plan (Ref. KTR-VBL-XX-XX-DR-A-01.100 Rev P01)**, prepared by Vabel.

1.10. The documents submitted to explain and justify the development comprises:

- **Existing Ground Floor Cinema Plan (Ref. KTR-VBL-XX-XX-DR-A-03.100 Rev P01)**, prepared by Vabel;
- **Marketing Report (dated 14 June 2024)**, prepared by Savills Restaurants and Leisure Agency Team;
- **Planning Statement** (this document), prepared by Savills Planning, including:
 - **Planning Obligations Statement.**

1.11. In addition to the above, a completed **Application Form / Ownership Certificate, Community Infrastructure Levy (CIL) Additional Questions Form**, and **Covering Letter** (prepared by Savills Planning) have also been supplied. The **Application Fee** has also been provided under separate cover.

1.12. All necessary information in which to validate the planning application are listed above.

Structure of this Planning Statement

1.13. The structure of this Planning Statement is set out as follows:

- **Section 2 (Context of the Proposals)** provides background to the proposal, including a description of the Site and surrounding area and planning history of the Site;
- **Section 3 (Background & Pre-Application Engagement)** sets out the pre-application programme of stakeholder engagement;
- **Section 4 (The Proposed Use)** sets out details of the development proposal;
- **Section 5 (Planning Policy Framework)** sets out the relevant planning policy framework that the proposal is to be considered against;
- **Section 6 (Planning Assessment)** sets out the discussion of the material planning considerations arising from the application proposals; and
- **Section 7 (Conclusions)** presents our conclusions.

2. Context of the Proposal

2.1. This section provides details of the background to the application proposals and provides the context within which the application is being submitted.

Site, Location and Land Use Context

2.2. The Site is located on the junction of Kentish Town Road and Prince of Wales Road as shown in **Figure 2.1** below, comprising approximately 0.05 hectares (ha).

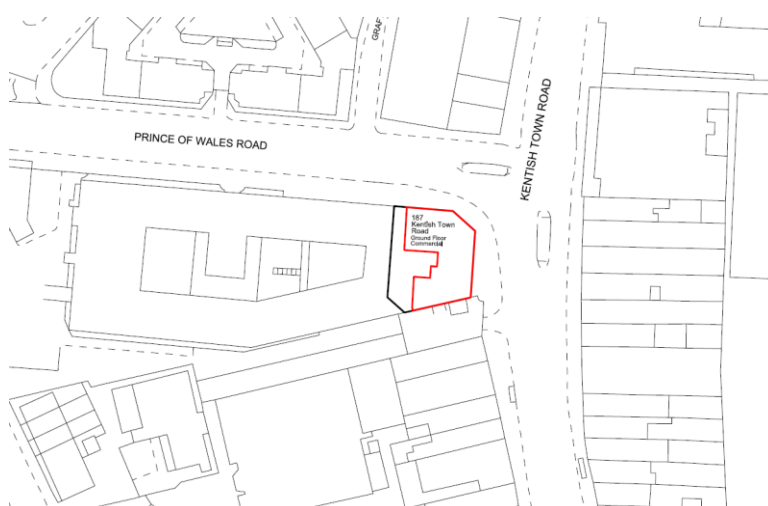
2.3. The floor area of the application Site at the ground floor to which this application relates extends to approximately 234 sqm.

2.4. The entrance to the commercial space, is located along the Kentish Town Road frontage.

2.5. To the west, the Site is bounded by Prince of Wales Road, a residential development, which shares a wall with the existing building on site. To the east of the Site are single storey frontages on Kentish Town Road. To the north is the main shopping street in Kentish Town and to the south is Church Avenue, a private road from which Kentish Town Congregational Church is accessed.

2.6. The area surrounding the Site consists of a mix of commercial and residential uses. The Site is in close proximity to the main Kentish Town shopping street.

Figure 2.1: Site Location Plan



Source: Vabel

Planning Statement

187 Kentish Town Road, London, NW1 8PD



- 2.7. Prior to redevelopment, it is understood that the Site was occupied by a Pizza Express until May 2013, and prior to this, the building was used as an assembly hall for North West London Polytechnic when the Site opened in 1929. The façade of the building (which is retained as part of the redevelopment) includes a chamfered corner with an arched reveal and decorative stonework.

Access

- 2.8. The Site has a Public Transport Accessibility Level (PTAL) accessibility rating of 6b (1 being the lowest, 6 being the highest), indicating excellent accessibility to public transport. The Site is located 0.2 miles (4 minute walk) from Kentish Town West Overground Station, 0.3 miles (6 minute walk) from Kentish Town Station (Northern Line and National Rail) and 0.5 miles (9 minute walk) from Camden Town Underground Station (Northern Line).

Planning Designations

- 2.9. The Camden Policies Map shows the Site to be subject to the following designations:
- Within the Kentish Town Town Centre;
 - Part of Town Centre Secondary Frontage;
 - Under LVMF View 2A.1 (Parliament Hill summit to St Paul's Cathedral);
 - Within an Archaeological Priority Area; and
 - Within the Kentish Town Neighbourhood Plan (the site does not feature in any specific policies).
- 2.10. The London Plan designates Kentish Town as a District Centre.
- 2.11. Although the building is not statutorily listed, it is considered to be a non-designated heritage asset as it features on Camden's Local List, as noted below.

Heritage

- 2.12. The Site is not statutorily listed, and is not located within a Conservation Area.
- 2.13. Camden's Local List (adopted January 2015) includes the Site 187 Kentish Town Road & 1 Prince of Wales Road. The description provided is as follows:

“Purpose built accommodation for the former North Western Polytechnic in the 1920s, an opened by the Prince of Wales (later King Edward VIII). Despite their different architectural styles the two parts of the building have unifying features including plum coloured brick with red brick dressings and a prominent and continuous red brick string course. In addition the distinctive windows with glazing bars in a star pattern and the high level arched windows in No 187 also feature in the prominent main entrance to No 1. They remained in educational use until 1996 – latterly as home to the University of North London. No. 187 was a Assembly Hall and No.1 housed the classrooms and workshops etc. Important townscape contribution through the well-mannered corner landmark created by no. 187 and as well as collectively contributing to the surrounding area as part of a group of buildings of important townscape value, including the listed Kentish Town Baths and the former cinema opposite. Socially important for their role in the development of 20th century tertiary education in London”.

Planning History

- 2.14. Planning Permission (Ref. 2013/8301/P) was granted on 27 March 2015 for the following (“the 2015 Permission”):

“Redevelopment of existing building (Class A3), retaining the existing façade, to provide a 5 storey building (2 storey roof addition) with cinema (Class D2) and ancillary café and bar use at ground floor and 11 market (2x studio, 1x1, 7x2 & 1x3 bed) and 1 intermediate (1x1 bed) residential units (Class C3) at 1st to 4th floor level, together with various associated alterations including landscaping, external terraces, alterations to external elevations and rooftop plant.”

- 2.15. The 2015 Permission was subject to planning conditions. It was also subject to a Section 106 dated 27 March 2015 which, amongst other requirements, included obligations related to the cinema (see details below).

- 2.16. It is important to note that at the time of the granting of the 2015 Permission, there was a separate application for the redevelopment of the Site (Ref. 2013/8302/P) was also granted permission subject to a Section 106 dated 27 March 2015. This permission included a 4 storey building, with flexible retail/financial and professional services/restaurant (Class A1/A2/A3) at ground floor and residential at first to third floor levels. This permission was not implemented.

- 2.17. A Section 73 planning application (Ref. 2018/5059/P) pursuant to the 2015 Permission was granted planning permission on 5 September 2019 (“the S73 Permission”) for the following:

“Variation of Conditions 8 (cycle spaces), 12 (lifetime homes) and 15 (approved plans) to

planning permission 2013/8301/P (Redevelopment to provide 5 storey building (2 storey roof addition) with cinema (Class D2) and 11 market (2 x studio; 1x1; 7x2 & 1x3 bed) and 1 intermediate (1x1 bed) residential units (Class C3), to amend layout to reconfigure cinema at ground floor and residential unit mix above (11 market – 10x2 bed & 1x3 bed) and 1 intermediate (1x1 bed)), increase in height to ridge, alteration to fenestration on south elevation and cycle space provision.”

2.18. The S73 Permission was subject to a number of planning conditions. It was also subject to an associated Deed of Variation (DOV) dated 5 September 2019 which amended the S106 pursuant to the 2015 Permission. However, the DOV did not amend any of the cinema requirements in the S106. The only obligations related to the cinema was for a Cinema Plan be submitted for approval, and to use the Cinema at all times in accordance with the Cinema Plan.

2.19. The S106 defines the “Cinema” as follows:

“means the cinema to be provided as part of the Development in the location shown for the purpose of identification Plan 2, such cinema to be open and accessible in accordance with the Cinema Plan.”

2.20. The S106 defines the “Cinema Plan” as follows:

“means a plan detailing access arrangements to the Cinema and identifying possible measures to be implemented by the Owner and/or cinema operator to encourage cultural and educational outreach programmes for local residents and children and ensuring compliance with Counsel licensing requirements.”

2.21. The S106 goes on to require the following:

“On or prior to the Occupation Date to submit to the Council for approval the Cinema Plan. Not to Occupy nor permit Occupation until the Cinema Plan has been approved by the Council as demonstrated by written notice to that effect. Not to Occupy or use permit Occupation or use of the Cinema other than in accordance with the Cinema Plan as approved by the Council and to Occupy and use the Cinema at all times in accordance with the Cinema Plan as approved”

2.22. The Applicant subsequently submitted a Cinema Plan and this was subsequently discharged by the Council on 2 March 2023.

Planning Statement

187 Kentish Town Road, London, NW1 8PD



- 2.23. An application for a Non-Material Amendment (NMA) was submitted (Ref. 2019/5809/P) and subsequently approved in February 2020 for numerous external alterations, including alterations to courtyard stairs and cycle store. There have been also numerous applications submitting details reserved by a condition for approval, pursuant to the Section 73 application.
- 2.24. The Site's full Planning History is contained within **Appendix 1** of this Planning Statement.

3. Background & Pre-Application Engagement

Background

3.1. The Applicant acquired the Site in May 2018 and subsequently implemented the scheme. The scheme reflects the S73 Application and associated NMA. The upper floor residential units are now built out, and the ground floor space for the cinema (comprising 234 sqm GIA) has been fitted out in a shell condition. Specifically, the Applicant has constructed the cinema space so that it has the genuine physical capability for a cinema operator to fit out the space to their desired specification. The shell condition comprises:

- An area of 93 sqm GIA, with the pit having been excavated and constructed, providing a floor to ceiling height of 4.7m;
- An area of 108 sqm GIA with a floor to ceiling height of 3.3m, which decreases to 3m from the beamed ceiling;
- An area of 5.8 sqm GIA and 18 sqm GIA to accommodate future refuse and storage respectively;
- New Structure designed and installed to span cinema pit to maximise uninterrupted space for screenings;
- Floor within the pit is an acoustically separated concrete slab. Allows future screening room fit out to be acoustically separated from main building structure;
- Permanent ductwork runs have been installed to provide provision for all services requirements including air handling. Plant space has been allocated on the roof for air handling units. Drainage points installed in locations for WCs and potential kitchen / bar;
- New doors to rear installed for compliant secondary means of fire escape as well as dedicated commercial refuse collection;
- There is a mixture of plain and exposed brick walls and concrete flooring; and
- The entire space has the capability to be fully accessible for wheelchair users.

3.2. It must be highlighted that the above works were not a requirement of the 2015

Permission/Section 106 and subsequent Section 73/DOV. Rather, these works and the significant investment from the Applicant demonstrates genuine commitment and a desire to ensuring a future cinema operator. In other words, the existing physical space offers a realistic prospect for a future cinema operator to fit out this space to their required specification, including but not limited to:

- A single screen;
- Acoustics;
- Raked seating (the space could accommodate some 61 seats, plus 2 wheelchair seats);
- Ancillary bar area, plus space to accommodate difference pieces of furniture, seating, tables etc;
- Toilets;
- Kitchen facilities; and
- Any desired internal flooring, ceiling and decorative features.

3.3. In parallel to implementing the Section 73 Application, from the outset (in 2018), the Applicant began marketing the space, having direct conversations with four separate cinema operators. One of the operators submitted an offer and Heads of Terms progressed. Although the particular operator highlighted viability concerns, that operator felt the space could present an opportunity to promote and support their wider business within London. However, no terms reached agreement to the point of solicitors being instructed, prior to the onset of the Covid-19 Pandemic

3.4. From March 2020 onwards, the Covid-19 Pandemic and associated lockdowns affected the cinema market and stalled all discussions. Inevitably, the Applicant, like most, were not in a position to progress any further with marketing the space. Inevitably, the Pandemic significantly impacted the cinema market, and subsequently all prior interest fell away.

3.5. However, as lockdown restrictions eased, the Applicant gradually re-started discussions with potential cinema operators. In January 2023, the Applicant commissioned a professional marketing agent – Savills Restaurants and Leisure Agency Team (hereafter referred to as “the Agency Team” or “the Marketing Agent”), who have continued to market the Site.

- 3.6. On average, the Marketing Agent has received around one enquiry every couple of weeks. However, once the majority of potential occupiers understand the size, specification and situation of the space, these have rarely materialised into viewings.
- 3.7. Whilst the Marketing Agent continues to market for a cinema operator, it is their view that it is unlikely it will generate any further positive demand for the property in respect for cinema use. It was necessary to expand the marketing to include not only cinema use, but also other cultural/leisure/community uses, as well as Class E uses. This was an approach agreed with officers, given that it is necessary to evidence and support the proposed flexible use, and also to ascertain what other uses / occupiers could be interested in the space.

Pre-Application Engagement

- 3.8. The importance of pre-application engagement is set out in the National Planning Policy Framework ('NPPF') (2023) in which Paragraph 39 states that "*Good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community.*" The NPPF emphasises that there is significant potential to improve the efficiency and effectiveness of the planning application system for all parties through early engagement. The importance of pre-application engagement and frontloading is further highlighted in the accompanying Planning Practice Guidance ('PPG').
- 3.9. Engagement between local communities, local planning authorities and developers prior to the submission of a planning application is promoted in the NPPF as a part of its objective to ensure positive outcomes for all parties involved.

LBC Officers

- 3.10. The proposals have been discussed extensively with LBC Officers prior to the submission of this application.
- 3.11. In early 2023, the Applicant held discussions with LBC Officers to update and relay the above issues. Officers suggested to continue with the marketing of the cinema, but understood that it was inevitable to also explore other potential uses that would be attractive to visiting members of the public. LBC Officers also encouraged positive engagement with the community and a commitment to continue investigating and assembling options for the Site, which could include temporary or 'meanwhile' use(s). Officers were of the view that should it be necessary to expand the cinema use, the appropriate mechanism would be via the submission of a Minor Material Amendment (Section 73) Application, along with the relevant

supporting marketing evidence.

- 3.12. Further discussions took place in mid-2023 between LBC Officers and the Applicant, whereby Officers were made aware of the need to expand the cinema marketing to explore whether there was market for other cultural / leisure / community uses, and also other appropriate Class E uses. LBC Officers acknowledged and accepted the need to expand the marketing beyond just cinema use.
- 3.13. Additionally, the Applicant had a meeting with LBC Officers in early 2024 to discuss the approach for the application. LBC Officers were of the view that a Full Planning Application would be the most appropriate mechanism for the change of use of the ground floor commercial unit.

The Local Community and Key Stakeholders

- 3.14. In March 2023, the Applicant was interviewed by a local community 'storyteller' (newspaper/online publisher) and an article was published to communicate the ongoing progress of the space to the wider community, noting that the search for a cinema operator continued.
- 3.15. At the end of April 2023, a public meeting was facilitated which include the Applicants arranging a site visit for the community to inspect the Site in its 'shell' condition. Those who attended included the Leader of the Council, representatives from the Kentish Town Neighbourhood Forum (KTNF), residents, and a senior LBC Officer from the Planning Team. The Applicant communicated their ongoing commitment to continue the cinema marketing, and whilst all efforts were being undertaken for a cinema operator to occupy the space, it was necessary to also explore and keep abreast other options for how the space can be used if a cinema operator does not come forward.
- 3.16. Throughout this time, the Applicant was in regular dialogue with the KTNF, at least once or twice a month. In early October 2023, the Applicant met with the Chair of the KTNF to discuss in person the status of the search for a cinema operator and the likely next steps to be taken to widen the search in order to activate the space. The Chair acknowledged that it was inevitable to proceed with the wider search for an appropriate use/user in order to activate the ground floor space, as opposed to a vacant space. The Chair was also clear that the preferred user was a cinema operator.

Further and Ongoing Engagement

- 3.17. Following the submission of this application, and prior to its validation, in February 2024 the Council had drawn to the Applicant's attention a prospective party who could be a potential tenant ("the Prospective Party") looking for space to expand their operations. Whilst not a cinema operator, the Prospective Party was a non-profit organisation who seek to support young people in the local community (between the ages of 18 to 25 years) from underrepresented backgrounds. The Prospective Party requires more space to support the creative endeavours of these young people, offering studio space to develop and produce podcasts, photography, music and dance – and also space for therapy. The space would also be open for the community to use. LBC Officers agreed to place the application in 'abeyance' to allow time to further explore the potential opportunity.
- 3.18. The Applicant subsequently met with LB Officers in early April 2024 to update that whilst an informal offer had been received from the Prospective Party, discussions and meetings were ongoing. LB Officers acknowledged that in planning terms, the potential use of the Site was akin to that of a 'Sui Generis' use, and there was the opportunity the use and operator could deliver a range of positive benefits for the local community.
- 3.19. From April to June 2024, ongoing discussions and multiple viewings took place. Through the process, unfortunately it transpired that the Prospective Party did not have secure funding in place, and there was uncertainty how financing would progress. There was also a requirement from the Prospective Party that a Class E would need to be part of any future planning permission. This was to ensure flexibility in the event the Prospective Party could not, or was no longer able to take the space. In planning terms, this could be realised through a flexible permission with Class E included.
- 3.20. LBC Officers were subsequently updated in June 2024 and the Applicant reiterated that they wished to maintain relations with the Prospective Party should the position change, and also continue exploring any other interest that may arise from other potential tenants.
- 3.21. Separate to the above, another potential tenant has expressed an interest in the Site. They are a coffee operator who originated from a roastery being set up in a prison to train residents and reduce reoffending rates. Whilst a formal proposal is yet to be received, the Applicant and Agent are continuing to explore interest and terms.
- 3.22. The above is included in the Marketing Report, and the Applicant continues to keep LBC Officers, the local community and key stakeholders updated. Whilst the marketing of the

Planning Statement

187 Kentish Town Road, London, NW1 8PD



cinema continues, other appropriate cultural / leisure / community and Class E uses also continue to be marketed to ensure that the ground floor space is occupied with an appropriate user. However, it is necessary for the Applicant to progress with this application which proposes a flexible use, as explained and justified in this Planning Statement and supporting documents .

4. The Proposed Development

This section sets out a summary of the key elements of the proposals.

Proposed Change of Use

- 4.1. Considering the background set out in the previous section, this application (i.e. a Full Planning Application) seeks to change the use of the ground floor cinema to a flexible commercial use, as explained below.
- 4.2. It is proposed that the ground floor of the Site will have a flexible use, incorporating Cinema (Sui Generis) / Class F.1 / Class F.2 / Class E.
- 4.3. As the proposals relate solely to the use of the ground floor of the Site, there are no proposed external works being applied for, the proposals relate to land use only.
- 4.4. It is the Applicant's aspiration to attract a future tenant can utilise the space that is fitting for this unique space within this building.
- 4.5. The proposals are supported by a Marketing Report, prepared by Savills Restaurants and Leisure Agency Team, which sets out the marketing strategy undertaken at the Site.

5. Planning Policy Framework

5.1. The development proposals have taken account of relevant national, regional and local planning policy. This section of the Planning Statement sets out a summary of the relevant planning policy documents and the following section demonstrates compliance with these policies.

5.2. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning applications should be determined in accordance with the development plan unless other material considerations indicate otherwise.

5.3. The development plan comprises:

- **The London Plan** (September 2021);
- **Camden Local Plan** (July 2017);
- **Camden Policies Map** (July 2017, updated 2021);
- **Camden Site Allocations Local Development Document** (2013); and
- **Kentish Town Neighbourhood Forum** (September 2016).

5.4. A number of other planning documents, including the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG), as well as supplementary planning guidance and documents are also material to the determination of this application which include, but not limited to:

- The National Planning Policy Framework (NPPF) (2023);
- Planning Practice Guidance (PPG);
- Camden Planning Guidance (CPG) – Camden Community uses, leisure facilities and pubs Planning Guidance (2021);
- CPG – Town Centres and Retail Planning (2021).

National Planning Policy Framework

5.5. At the national level, the Government published its revised National Planning Policy Framework (NPPF) in December 2023. The NPPF provides an overarching framework for the production of local policy documents and at the heart of the NPPF is a presumption in favour of sustainable development (Section 2, paragraph 10).

- 5.6. For decision-taking, Paragraph 11 sets out that, in the context of the presumption in favour of sustainable development, this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

- 5.7. The Government has published Planning Practice Guidance (PPG) to support the NPPF, providing further guidance on specific planning issues and processes.

The London Plan

- 5.8. The London Plan (2021) is the overall strategic plan for Greater London, and sets out the Mayor of London's overall strategic plan for London.

- 5.9. Relevant London Plan policies are referenced in this assessment, where appropriate.

- 5.10. The London Plan is supported by a number of Supplementary Planning Guidance (SPG) and London Plan Guidance (LPG) documents which will be referred to in this Planning Statement as appropriate. This includes the following:

Local Planning Policy

- 5.11. LBC adopted their Local Plan on 3 July 2017.

- 5.12. LBC also has a number of adopted guidance – known as Camden Planning Guidance (CPG) which comprise a material consideration in respect of planning applications. The key documents are referenced within this Statement where necessary.

- 5.13. It is noted that LBC are currently reviewing the Camden Site Allocations Plan (2013) and that consultation on the draft Site Allocations Local Plan (SALP) took place between 13 February and 27 March 2020. Additionally, further consultation was undertaken on the 2021 draft Plan in December 2021 and January 2022.

- 5.14. It is also noted that LBC are currently reviewing the Camden Local Plan 2017 and that LBC

published the Regulation 18 Local Plan for consultation. The Regulation 18 Consultation took place from 17 January to 13 March 2024. At this early stage in the Local Plan Review, whilst the draft local plan holds little weight, the draft policies indicate the ‘direction of travel’ and are referred to throughout the following **Section 6**.

Relevant Legislation

Use Classes

- 5.15. The Town and Country Planning (Use Classes) Order 1987 (as amended) (“the Use Classes Order”) identifies and categorises the use of buildings or other land.
- 5.16. At the time of the 2015 Permission and the subsequent S73 Application, a cinema use was considered to be a Use Class D1. However, following changes to the Order on 1 September 2020, a cinema is now considered to be a “Sui Generis” use.
- 5.17. Other selected D1 uses are now Class F.1 (Learning and non-residential institutions) which include education, the display of works of art (otherwise than for sale or hire), museum, public library/public reading room, public hall or exhibition hall or for/in connection with public worship or religious instruction.
- 5.18. Other selected D2 uses are now Class F.2 (Local community) which include hall or meeting place for the principle use of the local community, an area or place for outdoor sport or recreation (not motorised vehicles or firearms) and indoor/outdoor swimming pool or skating rink.
- 5.19. A new Class E (Commercial, Business and Service) was also introduced which includes selected A Class uses, selected D1 and D2 uses, as well as B1 uses.

Flexible Permission

- 5.20. A ‘Flexible Use Permission’ (as it is often referred to) allows an Applicant to apply for planning permission for more than one use which can be interchangeable over a 10 year period without the need for further planning permission.
- 5.21. These provisions are embodied within Schedule 2, Part 3, Class V of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (“the GDPO”) which allows the local planning authority to grant permission for multiple uses, subject to specific criteria.

Planning Statement

187 Kentish Town Road, London, NW1 8PD



5.22. Specially, the statute allows the local planning authority to grant permission for:

“Development consisting of a change of use of a building or other land from a use permitted by planning permission granted on an application, to another use which that permission would have specifically authorised when it was granted”

5.23. The GPDO goes on to set out that development is not permitted by Class V if:

(a) the application for planning permission referred to was made before 5th December 1988;

(b) it would be carried out more than 10 years after the grant of planning permission;

(c) the development would consist of a change of use of a building to use as betting office or pay day loan shop; or

(d) it would result in the breach of any condition, limitation or specification contained in that planning permission in relation to the use in question.

5.24. There are no restrictions on which uses can be applied for so this could be the current use and a new further use(s) or alternatively multiple, new separate uses. At the end of the 10 year period, whichever use is functioning at the time becomes the permanent lawful use of the property.

6. Planning Assessment

- 6.1. This section assesses the proposals against the national, regional and local planning policy framework and sets out the main planning issues.

Principle of Development

- 6.2. A presumption in favour of sustainable development is identified as the basis for every plan and every decision in the NPPF (Paragraph 11). London Plan Policy GG1 sets out that growth will be supported across all parts of London to ensure it addresses the need for development, regeneration and social and economic convergence.
- 6.3. The general thrust of national, regional and local policies is to secure sustainable patterns of development and re-use of previously developed ('brownfield') urban land. A presumption in favour of development accords with the core themes of the NPPF, which reflects Government thinking in relation to the determination of planning applications.
- 6.4. The Site is located within the Kentish Town Town Centre (a District Centre) and is part of a designated Secondary Frontage. The general thrust of national, regional and local policies seek to secure and safeguard the vitality and viability of town centres.
- 6.5. London Plan Policy SD6 (Town centres and high streets) sets out that the vitality and viability of London's varied town centres should be promoted and enhanced by encouraging strong, resilient, accessible and inclusive hubs with a diverse range of uses that meets the needs of Londoners, including main town centre uses, night-time economy, civic, community, social and residential uses.
- 6.6. London Plan Policy SD8 (Town centre network) sets out that District Centres should focus on the consolidation of a viable range of functions, particularly convenience retailing, leisure, social infrastructure, local employment and workspace, whilst addressing the challenges of new forms of retailing and securing new forms opportunities to realise their potential for higher density mixed-used residential development and improvements to their environment.
- 6.7. Camden Local Plan Policy TC1 (Quantity and location of retail development) sets out that the Council will focus new shopping and related uses in Camden's designated growth areas and existing centres, having regards to the capacity in these locations. The policy states that there is limited additional provision as part of redevelopment of the Kentish Town Growth Area.

- 6.8. Camden Local Plan Policy TC2 (Camden's centres and other shopping areas) sets out that the Council will promote successful and vibrant centres throughout the borough to serve the needs of residents, workers and visitors. The Council will protect the Secondary Frontages as locations for shops together with a broader range of other town centre uses to create centres with a range of shops, services, and food, drink and entertainment uses which support the viability and vitality of the centre.
- 6.9. The Local Plan (at paragraph 2.53) sets out that the Borough's town centres are suitable locations for a range of uses, these include, but are not limited to: residential, shops, food, drink and entertainment uses, offices and community facilities.
- 6.10. Camden Regulation 18 Local Plan Draft Policy IE6 (Supporting town centres and high streets) sets out that the Council will promote successful and vibrant centres throughout the Borough to serve the needs of residents, workers and visitors.

Assessment

- 6.11. The proposals put forward in this planning application seek to utilise previously developed land, and so are in accordance with planning policies and guidance which seek to ensure sustainable development through the reuse of brownfield land. The proposals seek to ensure that the ground floor at the Site, which is part of the designated Secondary Frontage, contributes to the vitality and viability of the Kentish Town Town Centre, in accordance with London Plan Policies SD6 and SD8, and Camden Local Plan Policies TC1 and TC2.
- 6.12. Having regards to the above, it is considered that the principle of development for flexible town centre uses at ground floor is supported in planning policy terms.

Land Use

- 6.13. Notwithstanding the matters related to the cinema use (as discussed further below), it is the Applicant's desire and vision that the Site has the flexibility in planning terms for a cinema operator to occupy the space in the future, should the opportunity arise and/or market conditions or circumstances allow. However, this must be balanced against the need for the space to be occupied rather than long term vacancy.
- 6.14. As such, this application proposes a Flexible Use Permission. As explained in Section 5 earlier, the legislation i.e. the GPDO, enables a local planning authority to grant permission for more than one planning use for the same land, subject to conditions. Crucially, this would

enable the existing cinema use to be maintained as a lawful use whilst any new use(s) take place at ground floor.

- 6.15. The statute allows an Applicant to apply for planning permission for separate uses which can be interchangeable over a 10 year period without the need for further planning permission. At the end of the 10 year period, whichever use is functioning at the time becomes the permanent lawful use of the property.
- 6.16. Therefore the proposal seeks to change the ground floor to a flexible use for cinema / F.1 / F.2 / E uses. The relevant planning policies for each of these uses are summarised and subsequently assessed below.

Planning Policy Context – Cinema Use

- 6.17. London Plan Policy HC5 (Supporting London’s culture and creative industries) sets out that development proposals should protect existing cultural venues, facilities and uses where appropriate and support the development of new cultural venues in town centres and places with good public transport connectivity, as well as identify and promote locally distinct clusters of cultural facilities and venues.
- 6.18. Camden Local Plan Policy C3 (Cultural and leisure facilities) sets out that the Council will seek to protect cultural and leisure facilities and manage the impact of adjoining uses where this is likely to impact their continued operation. Where there is a proposal involving the loss of a cultural or leisure facility, it must be demonstrated to the Council’s satisfaction there is no longer a demand. When assessing such planning applications, the Council will take into account:
- a. whether the premises are able to support alternative cultural and leisure uses which would make a positive contribution to the range of cultural and leisure facilities in the borough;*
 - b. the size, layout and design of the existing facility;*
 - c. proposals for re-provision elsewhere;*
 - d. the impact of the proposal on the range of cultural and leisure facilities; and*
 - e. the mix of uses in the area.*
- 6.19. The supporting policy text (paragraph 4.57) further explain that facilities considered to be

important in helping to define Camden's cultural and leisure offer include *"the mix of galleries and venues supporting visual arts"*. The supporting text (paragraph 4.50) also notes that *"...there are a number of cinemas [...] elsewhere in the Borough catering for local/specialist audiences."* Cinema is also identified to be included as main town centre use as well as a leisure/entertainment/recreational use (paragraph 9.33).

- 6.20. Supporting text (paragraph 4.6.1) goes on to set out further details regarding retaining cultural and leisure facilities, and acknowledges that the demand for cultural and leisure facilities vary over time and that the Council will expect a marketing exercise of not less than 12 months if a loss of a cultural or leisure facility is proposed.
- 6.21. The CPG (Community uses, leisure facilities and pubs) notes at paragraph 3.5 that any proposals involving the loss of a cultural or leisure use must be accompanied by a marketing exercise. Widening the use classes in the marketing exercise was agreed with Senior Officers in advance.
- 6.22. The aforementioned CPG also note that further considerations will be given to other factors, such as the location and context of sites (paragraph 3.6, 3.7).
- 6.23. Core Objective 6 e) of the Kentish Town Neighbourhood Plan (KTNP) sets out that leisure developments such as a new theatre and/or cinema space will deliver social benefits and enhance community links.
- 6.24. Camden Regulation 18 Local Plan Draft Policy SC5 (Cultural Facilities) sets out that the Council will protect and support the enhancement of cultural facilities.

Assessment – Cinema Use

- 6.25. Having regards to the above, it could be held that cinemas are akin to a cultural and leisure use / facility in policy terms.
- 6.26. Given all of the upper floor residential homes have been built out and completed at the Site (with many of the flats occupied), and that the cinema space has been built out to a 'shell' finish, the approved S73 has been substantially implemented. As such, it could be held that the lawful use of the ground floor is "cinema" with an "ancillary bar" – as per the description of development, even although the cinema use itself has not commenced.
- 6.27. Having regards to this, it could be held that the ground floor cinema space is subject to Camden Local Policy C3, and therefore subject to policy protection unless it can be

demonstrated there is no demand, taking into account a number of factors, such as the size and layout.

- 6.28. However, it must be emphasised that this application does not propose to omit the cinema use. Rather, the application proposes that the cinema use would be retained, and will form part of a broader, flexible use. This would allow the flexibility (in planning terms) for the ground floor to be used for a cinema, should circumstances and/or market conditions change in the future. As explained in Section 3 earlier, the ground floor has already been built to a use-specific 'shell' condition which has provisions installed to allow the physical capability of being fully fitted out as a cinema in the future by an operator. In other words, the space can realistically be used as a cinema.
- 6.29. Despite the proposals will not technically result in the loss of cinema use, the Applicant has nevertheless undertaken the necessary marketing requirements to assess the demand for the cinema use, in accordance with the requirements of Camden Local Plan Policy C3 (as explained below) with the genuine intention of securing a cinema occupier.
- 6.30. Prior to the Applicant's interest in the Site, it was understood that a cinema operator made a proposal to the previous owners but the offer was not considered to be commercially viable.
- 6.31. Since the Applicant acquired the Site in May 2018, they have undertaken their own marketing, as well as a professional marketing.
- 6.32. Over the course of the Applicant's own marketing period, they received interest from six different cinema operators. However, for various reasons these have not come forward, largely owing to commercial viability reasons. Whilst in February 2019 one cinema operator submitted an offer on the basis of a shell specification which progressed to Heads of Terms stage, this interest subsequently waned due to concerns over viability during the Covid-19 pandemic. Prior to the onset of the Covid-19 Pandemic, the space was not deemed to be viable by a previous operator who was interested in the space. Despite this, the Applicant recommenced marketing from May 2021 up until December 2022.
- 6.33. Excluding the inevitable inactivity over the Pandemic, the Applicant's own marketing period was for a cumulative period of nearly 3.5 years (some 41 months), covering the following periods:
- May 2018 to March 2020 (22 months); and

- May 2021 to December 2022 (19 months).
- 6.34. Following this, in January 2023, the Applicants appointed a professional marketing agent (Savills Restaurants and Leisure Agency Team) who have undertaken some 18 months of professional marketing, i.e. more than 12 months of professional marketing. The Agency Team continues, and will continue to market the space for cinema use.
- 6.35. The Local Plan (at paragraph 4.61) sets out that the marketing exercise should be undertaken over a period of not less than 12 months. When considering that both the Applicant's own marketing period and the professional agent's marketing period of the cinema space has been over a period of nearly 5 years (some 59 months), this meets and exceeds the policy requirement.
- 6.36. The details of the marketing activities accompany this planning application via a Marketing Report which has been prepared by the Agency Team. The Marketing Report sets out the following key details:
- A summary of the historical marketing timeline and key milestones before their instruction (which is also summarised above) and;
 - The details of their own professional marketing activities and discussions with third parties.
- 6.37. Due to confidentiality reasons the specific names/entities have been redacted, but generic information has been provided.
- 6.38. In their Marketing Report, the Agency Team has commented on the size of the cinema space. From the outset, the key issue for potential operators is that the single screen offer is operationally challenging. A single screen presents an operator with the ability to only screen one film at a time. Due to the way film rights are purchased, an operator must commit to screening the content for a number of weeks at a time. Therefore, a future operator are unable to offer a varied content to the consumer during peak hours, if a film is not proving popular, they have little opportunity to switch to alternative content. In light of Local Plan Policy C3 (b), the size of the existing facility can be taken into account by the Council.
- 6.39. The Marketing Report has also commented on the cinema market generally, noting the following:
- That at the time of instruction cinema was in the middle of a recovery from the Covid-19

Pandemic which had significantly impacted the sector – in terms of consumer behaviour and a lack of film products (caused by filming delays because of the Pandemic);

- Through the course of 2022 the industry saw promising signs of recovery with box office revenues increasing by circa 60% (compared to 2021), but still down compared to 2019 (before the Pandemic) by circa 25% on average;
 - The aforementioned has significantly impacted on acquisitiveness of cinemas for new sites. This is because operators' focus has been on recovery and investing in their existing estates;
 - The cinema sector has experienced notable distress e.g. multiplex operator Cineworld and Empire both filed for administration;
 - Despite the popularity of blockbuster films in 2023 (e.g. Barbie and Oppenheimer) which gave the industry a boost, the recovery of the sector has not been to expectation;
 - Box Office admissions remain circa 24% below the 2019 figures;
 - The recent actors and writers strike in the United States has resulted months on filming shutdowns, which will continue to impact the sector as we move into 20224; and
 - Despite that there is selective expansion in the industry, the sector remains very cautious.
- 6.40. Having regards to the above, the Marketing Report opines that the viability of any new (cinema) development presents a challenge since operators are requesting significant contributions towards capacity cost of fit-outs. This is even in the context of competitive scenarios, and where a building physically meets the size and operational requirements of the market.
- 6.41. Despite the inherent site constraints and challenging cinema market generally, the Agency Team have undertaken a robust and thorough marketing strategy.
- 6.42. The marketing details are illustrated in Appendix 1 of the Marketing Report. These were circulated and promoted on the Agency Team's website and key databases.
- 6.43. Having regards to the inherent site constraints, the low response rate from the indirect marketing was inevitable, with only four responses received from local, non-established

- operators and three subsequent viewings.
- 6.44. However proactive, direct approaches were also made to a targeted list of 26 operators. These parties were mostly single screen and boutique offers, but also included larger cinema operators.
- 6.45. A detailed overview of the operators and their responses/discussions is provided at Appendix 2 of the Marketing Report.
- 6.46. Whilst the Agency Team received one proposal from an affordable community cinema operator who have not operated a single-screen cinema before (but cited reference to an 80-sea cinema run by a business associate), their offer was on the basis of a fully funded fit-out (by the Landlord), with no base rent, a profit share of 15% of revenue on box office ticket sales, with a target of 60,000 admissions. Whilst an incentive period is typically in the form of rent free period between 6 to 18 months and common place in commercial lettings (sometimes in the form of a capital contribution towards fit outs), a fully-funded fit out is not feasible, particularly when there is no guaranteed rental income with a turnover-only deal., Subsequently, this offer was not progressed further as it was commercially unviable.
- 6.47. Two other operators expressed interest, but required the space to be fully fitted out for them – a similar situation to the aforementioned.
- 6.48. Additionally, there was interest from a start-up online streaming business which had explored to use the cinema space as their 'front house'. Whilst this was initially encouraging, with a viewing held and ongoing, positive discussions being progressed, unfortunately they did not come forward with an offer.
- 6.49. Despite the continual and proactive marketing activities, there has been no further interest from the cinema sector.
- 6.50. Given the lack of demand from cinema operators, and having regards to Local Policy C3(a) the Agency Team have subsequently targeted other cultural/leisure uses, as well as community uses that would be 'in-keeping' with the quality and space of the ground floor space. In line with the aforementioned Policy, these would make a positive contribution to the range of cultural and leisure facilities in the Borough.
- 6.51. However, the Marketing Report acknowledges that this sector is not one where there are regularly open requirements or a specific in-house property function. The Agency Team

therefore re-circulated the marketing material at the end of May 2023 and targeted ‘Cultural’ uses in the title of the circulation, since most agencies had already seen the material cinema use only. The Agency Team also generated a target list based on known operators and those in the wider London area which is set out in Appendix 3 of their Marketing Report. Whilst for confidentiality reasons the names have been redacted, a general description of the parties have been provided.

6.52. The above resulted in interest from two parties (with discussions and negotiations ongoing) as follows:

- A startup business looking to offer a social meeting space for teenagers aged 12-17. The organisation offers spaces for fun activities, run by mental health-trained professional social workers and will feature a café/bar, bar games, karaoke and non-alcoholic beverages. In addition, a calendar of social resilience workshops aims to deliver positive life-skills for attendees. The Agency Team continued to explore the interest, however have yet to have a proposal; and
- A boxing and strength training class-based offer. This is a global franchise who are now expanding into the UK. A offer has been submitted and the Agency Team are now currently working through the party’s specification requirements.

6.53. The former party could be held to be Use Class E, or potentially F.1/F.2 use. The latter party could be held to more akin to a gym use which is falls within Use Class E (although in policy terms, reference to gyms is cited in paragraph 4.53 of the Local Plan under the cultural and leisure facilities chapter).

6.54. Separate to the above (and as noted earlier in Section 3 of this Planning Statement), over the past few months there has been interest in the Site from two additional parties.

6.55. In February 2024, the Council drew to the Applicant’s attention an interested party who was considered potentially appropriate for the space (i.e. “the Prospective Party”). Whilst the latter was not a cinema operator, they are a locally-based non-profit organisation who seek to support young people (between the ages of 18 to 25 years) in the local community from underrepresented backgrounds. The Prospective Party requires more space to support the creative endeavours of these young people, offering studio space to develop podcasts, photography, music and dance productions – and also space for therapy. The space would also be open for the community to use. LBC Officers considered the space to be a ‘Sui Generis’ use, and acknowledged the likely benefits that such a use would bring to the local

community.

6.56. Over the course of approximately four months (February to June 2024), the events can be summarised as follows:

- An initial informal offer from the Prospective Party was been received, with multiple viewings of the Site held;
- Through ongoing discussions, it had transpired that the Prospective Party unfortunately did not have necessary, secure funding in place, with future financing unconfirmed; and
- The Prospective Party required terms that a Class E be part of any future planning permission – this was to ensure flexibility in case they could not take and/or continue with occupying the space.

6.57. Notwithstanding the above, it is considered that the requirement to include Class E could have been accommodated through the appropriate planning mechanism – e.g. via a flexible permission which could include Class E. Furthermore, the Applicant seeks to maintain relations with the Prospective Party should their circumstances change.

6.58. Separate to the above, the Marketing Report also notes that another potential tenant has expressed an interest in the Site, summarised as follows:

- The interested party is a coffee operator who originated from a roastery being set up in a prison to train residents and reduce reoffending rates; and
- Whilst a formal proposal is yet to be received, the Applicant and Agent are continuing to explore interest and terms.

6.59. The Marketing Report concludes that whilst there was some initial positive engagement for a cinema operator, the Agency Team do not consider any further marketing period will generate any further positive demand for the ground floor unit for cinema use. This is despite the extensive reach to 26 cinema operators, including single screen and boutique operators, as well as the larger cinema operators, The Agency Team therefore considers that an alternative flexible use for this space should be considered in order to attract other types of tenants so that the unit can be occupied, rather than remain vacant.

6.60. In any event, the Agency Team continues, and will continue to proactively speak to operators

for alternative cultural / leisure / community uses. However, given the lack of interest to date, the Agency Team consider that it is equally unlikely that a viable commercial letting in this sector will materialise given the fundamental inherent constraints of the space.

- 6.61. The Agency Team are confident they have fully exhausted the market in this field and in order to avoid a long term void in this prominent ground floor unit at the Site, suggest to consider widening the use of the ground floor to include other commercial uses, including Class E uses.
- 6.62. Overall, having regards to the above, the Marketing Report demonstrates that there is limited demand for a cinema, or an alternative cultural or leisure use in accordance with the requirements of Local Plan Policy C3 (a), with marketing having been undertaken for more than 12 months. Other community-type uses have also been explored, but again there is limited demand or interest. The outcome of the marketing process has also illustrated that the space is not viable for cinema operators, with the cost of the fit out being a key factor, along with the operational constraints of the space as a single screen.
- 6.63. Local Plan Policy C3(c) states that the Council can also take into account proposals for re-provision elsewhere. However, given the challenging cinema market generally, and having regards to the marketing activities undertaken by the Agency Team for this Site which has demonstrated that the cinema market (and alternatives) has been fully exhausted, and that the Applicant confirm they do not have any other appropriate/available sites, and therefore re-provision elsewhere is not a realistic or practical option.
- 6.64. In line with Local Plan Policy C3 (d) and (e) the Council can take into the impact of the proposal on the range of cultural and leisure facilities, and the mix of uses in the area. Given that the Site is part of a wider town centre, there is already a large variety and mix of commercial uses. Furthermore, there are other smaller and larger cinema venues located elsewhere within the Borough, within generally close proximity to the Site. These other cinema operators/venues include, but are not limited to:
- The Curzon Camden (8 minute walk or 0.4 miles) at Dockray Place Hawley Wharf NW1 8QD) which is a 5 screen cinema which opened in November 2021;
 - Everyman Kings Cross (26 minute walk or 1.1 miles) at 14-18 Handyside Street N1C 4DN) which is a 4 screen cinema; and
 - Everyman Belsize Park (28 minute walk or 1.2 miles) at 203 Haverstock Hill, Belsize Park, NW3 4QG) which is a single screen (153 seat) which was recently refurbished

in September 2021.

- 6.65. It must be reiterated that the Applicant has genuinely explored all possible avenues, undertaken thorough marketing, and have provided the space in a use-specific shell condition to encourage cinema operators.
- 6.66. Having regards to all of the considerations above, when balanced against the need to avoid any further long term vacancy, in planning terms the most appropriate mechanism is to propose a Flexible Use Permission which would allow any future tenant(s) to occupy the ground floor unit as cinema should the market and/or circumstances change in the future. It is also appropriate for the Flexible Use Permission to include other F.1 and F.2 uses should there an appropriate tenant come forward. However, it is also prudent for the Flexible Use Permission to include other uses within Class E. The latter would be an appropriate use for this Site given its town centre location which promote a mix of commercial uses, as elaborated below. Indeed the approach of including Class E also reflects what was a requirement of the Prospective Party (as explained above) and their need for flexibility. It is also anticipated this would be attractive to other potential tenants in their operations, and therefore increase the prospects for an appropriate occupier to take on and use the space – which ultimately would positively benefit the viability and vitality of the Town Centre, this part of the Kentish Town High Street, and the local community.
- 6.67. For the reasons explained above, it can be demonstrated that the proposals would comply with Local Plan Policy C3 parts a to f (inclusive).

Planning Policy Context – Use Class E

- 6.68. Chapter 7 of the NPPF (Ensuring the vitality of town centres) emphasises a positive approach for town centres, stating that:

“Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.”

- 6.69. The glossary of the NPPF identify main town centre uses to include a variety and range of uses, including the following:

“Retail development (including warehouse clubs and factory outlet centres); leisure, entertainment and more intensive sport and recreation uses (including cinemas, restaurants,

drive-through restaurants, bars and pubs, nightclubs, casinos, health and fitness centres, indoor bowling centres and bingo halls); offices; and arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities)."

- 6.70. Local Plan Policy TC1 encourages new shopping and related uses in designated growth areas and existing centres. Whilst the policy states that there is limited additional provision as part of redevelopment of the Kentish Town Growth Area, Local Plan Policy TC2 seeks to promote successful and vibrant centres, protecting and enhancing the role and unique character of each of Camden's centres.
- 6.71. Local Plan Policy TC2 designates secondary frontages and will protect secondary frontages as locations for shops together with a broader range of other town centre uses to create centres with a range of shops, services, and food, drink and entertainment uses which support the viability and vitality of the centre. The Council's expectations for the mix and balances of uses within frontage are set out in Appendix 4 of the Local Plan. It sets out that for the Kentish Town secondary frontage, the minimum proportion of (former) A1 shops in each individual frontage is 50%, and for (former) A3, A4, A5 and other non-retail uses, there shall be no more than 3 consecutive non retail uses.
- 6.72. Policy TC4 (Town centre uses) requires that the Council will ensure that the development of shopping, services, food, drink, entertainment and other town centre uses does not cause harm to the character, function, vitality and viability of a centre, the local area or the amenity of neighbours. The Council will consider a range of issues. These include the character of the centre, the cumulative impacts of commercial uses, the mix and balance of uses along the frontages, the planning objectives of the centre, the impacts on surrounding amenities, including noise and vibration, fumes. The Council will seek to manage potential harm via conditions/obligations in terms of operational hours and management agreements.
- 6.73. The Town Centre and Retail CPG acknowledges that Kentish Town is the borough's third smallest centre, providing the day to day shopping and service uses for the local area and is designated as a District Centre in the London Plan.
- 6.74. KTNP Policy SW2 (Protection of Secondary Shopping Frontages) will resist change of use proposals resulting in less than 60% of the premises being in A1 retail. KTNP Policy SW3 (Consecutive Secondary Shopping Frontages) will resist change of proposals resulting in more than two consecutive frontages being in non-A1 retail usage.
- 6.75. Local Plan Policy E1 (Economic development) seeks to secure a successful and inclusive

economy in Camden by creating the conditions for economic growth and harnessing the benefits for local residents and businesses, with part f of the policy directing new office development to the town centres.

6.76. The Local Plan (2017) policies cited above was in place prior to introduction the change of the Class E use in 2020. Therefore, whilst the Local Plan refers to many town centre and other commercial uses as the names of their previous use class categories, many of these are now Class E.

6.77. The Explanatory Memorandum to the 2020 amendment of the Use Classes Order explained that the government considered that this secondary legislation was well overdue for change, particularly given the changing nature of town centres and needed greater flexibility to ensure vitality and viability of town centres. It stated that:

“...[the Use Classes Order] required a complete overhaul to better reflect the diversity of uses found on high streets and in town centres and to provide the flexibility for businesses to adapt and diversify to meet changing demands [...] Modern high streets and town centres have changed so that they now seek to provide a wider range of facilities and services, including new emerging uses, that will attract people and make these areas viable now and in the future.”

Assessment – Use Class E

6.78. Given the updates to the Use Classes Order in 2020, the policies citing specific percentages of retail use, and consecutive numbers of non-retail uses along frontages could be held to be out of date. This is because Class E comprises both retail and non-retail uses, as well as other commercial uses and infrastructure e.g. offices, gyms, nurseries health centres etc. Interchanging within Class E is not considered to be development, and would not require planning permission, subject to no restrictive planning conditions/obligations.

6.79. Notwithstanding this, if these policies were to be applied to the Site at 187 Kentish Town Road, its lawful use is currently (former) non-A1 use, any change to another (former) non-A1 use would not change the position in policy terms. Any change to a (former) A1 use would increase the number of A1 units and is welcomed in policy terms.

Conclusion

6.80. A Flexible Use Permission comprising cinema, Class F.1 / Class F.2 / Class E would ensure

that the cinema use is not 'lost', and also create greater flexibilities for this ground floor commercial unit to be occupied by an appropriate tenant.

- 6.81. Having regards to government's intent for greater flexibilities for town centres (in 2020), the Flexible Use Permission at this Site would comply with: the objectives in the NPPF (Section 7) which promote a positive approach in town centres; London Plan Policies SD6 and SD8 which seek to encourage resilient town centres and focus on the consolidation of a viable range of functions for this District Centre; Local Plan C3 which protects cultural and leisure facilities, and Local Plan Policies TC1, TC2 and TC4 which seek to promote the vitality and viability for this Kentish Town Town Centre; and the KTNP Policies SW2 and SW3 which seek to maintain appropriate commercial uses.

Relationship with Surrounding Uses

- 6.82. London Plan Policy SD4 seeks to ensure that appropriate mixes of uses are provided which do not conflict with each other.
- 6.83. Camden Local Plan Policy A1 (Managing the impact of development) sets out that the Council will seek to protect the quality of life of occupiers and neighbours and ensure the amenities of communities, occupiers are protected. Amongst other factors, the Council will consider noise and vibration levels, odour, fumes and transport impacts (including delivery and service management plans).
- 6.84. Similarly, Camden Regulation 18 Local Plan Draft Policy A1 (Protecting Amenity) also protects existing amenity.
- 6.85. Within the existing ground floor unit, the floor within the pit is an acoustically separated concrete slab. This allows a future screening room fit out to be acoustically separated from main building structure.
- 6.86. As it relates to the existing ground floor commercial unit, impacts relating to noise, vibration, odours or fumes and other disturbances were adequately ameliorated via planning conditions pursuant attached to the approved S73 Application, namely:
- Condition 5 (Noise) – a compliance condition required noise remain below specified levels;
 - Condition 6 (details of acoustic isolation, sound attention and anti-vibration measures for all extract ventilation system and/or air conditioning plant) – required prior to the

cinema use commencing.;

- Condition 7 (details of the ventilation and filtration equipment required to suppress and disperse fumes and/or smells) – required prior to the cinema use commencing;
- Condition 10 (operational hours) – a compliance condition; and
- Condition 13 (Refuse) – details required prior to the commencement of the relevant use.

6.87. With this in mind, as it relates to the proposed Flexible Use, any it is not considered that there would be adverse impacts relating to noise, vibration, odours or fumes and other disturbances since similar planning conditions can be attached. The Applicant is happy to accept appropriately worded conditions in respect of the proposed Flexible Use related to:

- Noise – a compliance condition to ensure noise remains below specified levels;
- Acoustic attention – details required prior to the Flexible Use commences;
- Ventilation – details required prior to the Flexible Use commences;
- Operational hours – a compliance condition relating to the operating hours of the Flexible Use; and
- Refuse – details required prior to the Flexible Use commences.

6.88. As such, the proposals would comply with Camden Local Plan Policy A1 which seeks to protect amenities.

Transport, Cycling and Access

6.89. It is expected that any users/customers of the ground floor unit would arrive on foot, by train, bus or cycling. Given the Site's high PTAL score of 6b, there is a very wide range of public transport options available in very close proximity to the Site, including Kentish Town West Overground Station, Kentish Town Station and Camden Town Underground Station, as well as many other nearby bus stops.

6.90. In this context, any increase of users to the Site would not adversely impact the operations of the wider context and would in fact support the proposals.

- 6.91. In the context of the above, the proposals would not give rise to a significant increase of movements to and from the ground floor unit.
- 6.92. It is noted that London Plan Policy T5 (Cycling) sets out the minimum cycle parking standards according to use class in Table 10.2. Although Table 10.2 incorporates the old use classes, the standards can be transposed onto the amended use classes. The minimum cycle parking standards for the proposed uses are set out as follows:
- **Cinema (Sui Generis, formerly use class D.2)** – 1 long stay space per 8 Full Time Employee (FTE) staff and 1 short stay space per 30 seats;
 - **Class F.1 (formerly use class D.1)** – 1 long stay space per 8 FTE staff and 1 short stay space per 100 sqm (GEA);
 - **Class F.2 (formerly use class D.1)** – 1 long stay space per 8 FTE staff and 1 short stay space per 100 sqm (GEA); and
 - **Class E (formerly use classes A2-A5)** – 1 long stay space per 175 sqm (GEA) and 1 short stay space per 20 sqm (GEA).
- 6.93. The FTEs have been estimated using the Employment Density Guide (3rd edition) produced by the Homes & Communities Agency (dated November 2015). The respective floorspace figures have utilised 252 sqm GEA, 234 sqm GIA and 170 sqm NIA.
- 6.94. For Cinema use, it is estimated there would be approximately 1.2 FTEs¹ (rounded to 2 FTEs). For a Class F.1 or Class F.2 this would equate to approximately 1.4 FTEs² (rounded to 2 FTEs) for each use.
- 6.95. Having regards to the above, the quantum of cycle spaces that would be required for the different uses is set out below:
- **Cinema (Sui Generis, formerly use class D.2)** – 1 long stay space and 2 short stay spaces;
 - **Class F.1 (formerly use class D.1)** – 1 long stay space and 3 short stay spaces;
 - **Class F.2 (formerly use class D.1)** – 1 long stay space and 3 short stay spaces; and

¹ Using the Density Guide's estimate of 1 FTE per 200 sqm GIA for cinema use.

² The Density Guide includes an estimate of 1 FTE per 30–300 sqm for D1 use. Taking the average, we have utilised 1 FTE per 165 sqm for D1 use.

- **Class E (formerly use classes A2-A5)** – 2 long stay spaces and potentially up to 12 short stay spaces (Class E incorporates multiple former use classes).

- 6.96. Whilst the policy position is acknowledged, a pragmatic approach is needed having regards to the inherent constraints and size of the ground floor unit, and the existing two Sheffield stands (equating to 4 cycle spaces) immediately adjacent to building, as shown on the drawings. On balance, it is considered that these external cycle spaces would support the proposed Flexible Use. Furthermore, given the highly accessible location and range of public transport options, sustainable transportation would continue be promoted.
- 6.97. This would therefore align with the objectives of Camden Local Plan Policy T1 (Prioritising walking, cycling and public transport), which seeks to promote sustainable transport by prioritising walking, cycling and public transport in Camden.
- 6.98. In addition, access for people with disabilities would also be provided for any of the Flexible Uses proposed, including the provision of disabled toilet facilities.

Servicing and Deliveries

- 6.99. Camden Local Plan Policy A1 (Managing the impact of development) sets out that the Council will seek to protect the quality of life of occupiers and neighbours and will consider the transport impacts, including Delivery and Servicing Management Plans.
- 6.100. The refuse storage is located to the rear of the Site in order to enable refuse collection via Church Avenue. Servicing is undertaken from the street, in line with the existing arrangement at the Site. Servicing for the Flexible Uses within the ground floor unit will take place in accordance with the existing arrangement, from Church Avenue.
- 6.101. It is envisaged that any further details of servicing and delivery arrangements for the ground floor unit can be secured via a condition.

7. Conclusions

- 7.1. This Planning Statement has been prepared in support of a Full Planning application, submitted to the London Borough of Camden on behalf of 187 Kentish Town Limited for flexible use at ground floor level at 187 Kentish Town Road, London, NW1 8PD.
- 7.2. The application seeks full planning permission for the following proposals:
- “Change of ground floor use from Cinema (Sui Generis) to Flexible Use for Cinema (Sui Generis) / Class F.1 / Class F.2 / Class E.”*
- 7.3. The planning and public benefits of the proposed scheme are summarised as follows:
- Retention of Cinema use, along with the provision of a flexible use ground floor space within a Town Centre and Secondary Frontage;
 - Promoting an active ground floor secondary frontage which will contribute to the vitality and viability of the Kentish Town Town Centre, including the creation of new jobs; and
 - The continued provision of accessible facilities through utilising the existing access arrangements within the building.
- 7.4. The proposals present an opportunity to optimise the ground floor of this highly accessible and sustainable Site within the Kentish Town Town Centre.
- 7.5. In light of the above, it is considered that the proposals overall comply with the objectives of the development plan when read as a whole. Accordingly, we respectfully request that planning permission is granted.

Planning Statement

187 Kentish Town Road, London, NW1 8PD



Appendix 1 – Site’s Full Planning History

(Note – Items in **bold** highlight the key, relevant permission)

Reference	Description of Development	Decision	Decision Date
2010/5052/P	Renewal of planning permission granted on 21/12/2007 (2007/5009/P) for (Redevelopment of site with a new 5-storey building comprising ground floor as retail (Class A1), financial and professional services (Class A2) and restaurant/cafe (Class A3), with the provision of 14 residential units on the upper floors (Class C3)).	Appeal Dismissed	22 December 2011
2013/8301/P	Redevelopment of existing building (Class A3), retaining the existing facade, to provide a 5 storey building (2 storey roof addition) with cinema (Class D2) and ancillary cafe and bar use at ground floor and 11 market (2xstudio 1x1, 7x2 & 1x3 bed) and 1 intermediate (1x1 bed) residential units (Class C3) at 1st to 4th floor level, together with various associated alterations including landscaping, external terraces, alterations to external elevations and rooftop plant.	Granted subject to a Section 106 Legal Agreement	27 March 2015
2013/8302/P	Redevelopment of existing building (Class A3), retaining the existing facade, to provide a 4 storey building (1 storey roof addition) with flexible retail/financial and professional services/restaurant (Class A1/A2/A3) use at ground floor and 9 (2x1, 6x2 & 1x3 bed) residential units (Class C3) at 1st to 3rd floor	Granted subject to a Section 106 Legal Agreement	27 March 2015

Planning Statement

187 Kentish Town Road, London, NW1 8PD



Reference	Description of Development	Decision	Decision Date
	level, together with various associated alterations including landscaping, external terraces, alterations to external elevations and rooftop plant.		
2015/3584/P	Details of conditions 9 (retention and protection of trees) granted planning permission 2013/8301/P dated 27/03/2015 (Redevelopment to provide 5 storey building (2 storey roof addition) with cinema (Class D2) and 11 market (2xstudio 1x1, 7x2 & 1x3 bed) and 1 intermediate (1x1 bed) residential units (Class C3))	Granted	24 July 2015
2015/5012/P	Variation of condition 3 (approved drawings) of planning permission (ref: 2013/8301/P) dated on 27/03/2015 (Redevelopment including 2 storey roof addition with cinema, 11 market (2xstudio, 1x1, 7x2 & 1x3 bed) and 1 intermediate (1x1 bed) residential units and associated alterations), namely to internally reconfigure retained cinema space, the residential unit mix (11 market (1x1 bed and 10x2 bed) and 1 intermediate (1x1 bed) and associated alterations.	Withdrawn	-
2016/2236/P	Details of condition 3 (schedule and method statement for elevational treatment) granted planning permission 2013/8301/P dated 27/03/2015 (Redevelopment to provide 5 storey building (2 storey roof addition) with cinema (Class D2) and 11 market (2xstudio 1x1, 7x2 & 1x3 bed) and 1 intermediate (1x1 bed) residential units (Class C3))	Granted	20 September 2016

Planning Statement

187 Kentish Town Road, London, NW1 8PD



Reference	Description of Development	Decision	Decision Date
2016/5283/A	Temporary display of an externally illuminated advertisement banner on a scaffold shroud from 22/11/2016 to 11/08/2017.	Granted	31 October 2016
2016/6230/P	Details of condition 2 (detailed plans/elevations/sections) granted planning permission 2013/8301/P dated 27/03/2015 (Redevelopment to provide 5 storey building (2 storey roof addition) with cinema (Class D2) and 11 market (2xstudio 1x1, 7x2 & 1x3 bed) and 1 intermediate (1x1 bed) residential units (Class C3))	Granted	16 February 2017
2017/2851/A	Temporary display of an externally illuminated advertisement banner on a scaffold shroud from 12/08/2017 to 31/03/2018.	Granted	16 June 2017
2018/5059/P	Variation of Conditions 8 (cycle spaces), 12 (lifetime homes) and 15 (approved plans) to planning permission 2013/8301/P dated 27/03/2015 (Redevelopment to provide 5 storey building (2 storey roof addition) with cinema (Class D2) and 11 market (2 x studio; 1x1; 7x2 & 1x3 bed) and 1 intermediate (1x1 bed) residential units (Class C3), to amend layout to reconfigure cinema at ground floor and residential unit mix above (11 market - 10x2 bed & 1 x3 bed) and 1 intermediate (1x1 bed)), increase in height to ridge, alteration to fenestration on south	Granted subject to a Section 106 Legal Agreement	05 September 2019

Planning Statement

187 Kentish Town Road, London, NW1 8PD



Reference	Description of Development	Decision	Decision Date
	elevation and cycle space provision.		
2019/0284/A	Temporary display of a shroud with an externally illuminated advertisement banner (measuring approximately 3m in height by 3.95m in width) on a scaffold shroud until 20/08/2019.	Granted	21 May 2019
2019/3580/A	Temporary display of a shroud with an externally illuminated advertisement banner on a scaffold shroud until 08/06/2020.	Granted	11 October 2019
2019/5145/P	Details pursuant to condition 16 (energy and sustainability statement) of planning permission ref. 2018/5059/P dated 05/09/2019 (as amended by 2019/5809/P dated 03/02/2020) for: Variation of Conditions 8 (cycle spaces), 12 (lifetime homes) and 15 (approved plans) to planning permission 2013/8301/P dated 27/03/2015 (Redevelopment to provide 5 storey building (2 storey roof addition) with cinema (Class D2) and 11 market (2 x studio; 1x1; 7x2 & 1x3 bed) and 1 intermediate (1x1 bed)residential units (Class C3), to amend layout to reconfigure cinema at ground floor and residential unit mix above (11 market - 10x2 bed & 1 x3 bed) and 1 intermediate (1x1 bed)) increase in height to ridge, alteration to fenestration on south elevation and cycle space provision.	Granted	19 February 2020
2019/5809/A	Amendments involving alterations to courtyard stairs and cycle store, installation of roof AOV, removal of access ramp and	Granted	03 February 2020

Planning Statement

187 Kentish Town Road, London, NW1 8PD



Reference	Description of Development	Decision	Decision Date
	installation of louvres on South elevation to planning permission granted under reference 2018/5059/P dated 05/09/2019 for 'Variation of Conditions 8 (cycle spaces), 12 (lifetime homes) and 15 (approved plans) to planning permission 2013/8301/P dated 27/03/2015 (Redevelopment to provide 5 storey building (2 storey roof addition) with cinema (Class D2) and 11 market (2 x studio; 1x1; 7x2 & 1x3 bed) and 1 intermediate (1x1 bed) residential units (Class C3), to amend layout to reconfigure cinema at ground floor and residential unit mix above (11 market - 10x2 bed & 1 x3 bed) and 1 intermediate (1x1 bed)), increase in height to ridge, alteration to fenestration on south elevation and cycle space provision.'		
2020/1589/P	Details pursuant to condition 2 (detailed plans/elevations/sections) of planning permission ref. 2018/5059/P dated 05/09/2019 (as amended by permission 2019/5809/P dated 03/02/2020) for: Variation of Conditions 8 (cycle spaces), 12 (lifetime homes) and 15 (approved plans) to planning permission 2013/8301/P dated 27/03/2015 (Redevelopment to provide 5 storey building with cinema and 12 residential units).	Granted	13 October 2020
2020/1947/A	Temporary display of an externally illuminated shroud advertisement until 04/11/2020	Granted	07 July 2020

Planning Statement

187 Kentish Town Road, London, NW1 8PD



Reference	Description of Development	Decision	Decision Date
2020/4035/A	Temporary display of scaffold shroud over the building with 1:1 image of existing building and an externally illuminated advertisement at first and second floor level on the front facade to be displayed from 04/11/2020 until 31/01/2021.	Granted	23 October 2020
2020/5317/P	Details pursuant to conditions 4 (samples), 6 (bar noise) and 11 (green roof) of planning permission ref. 2018/5059/P dated 05/09/2019 (as amended by permission 2019/5809/P dated 03/02/2020) for: Variation of Conditions 8 (cycle spaces), 12 (lifetime homes) and 15 (approved plans) to planning permission 2013/8301/P dated 27/03/2015 (Redevelopment to provide 5 storey building with cinema and 12 residential units).	Deemed consent – No Objection	07 November 2023