

From: Alexander Box
Sent: Mon Oct 07 13:37:26 2024
To: Planning
Subject: Comments on planning application 2024/0601/P (former Pizza Express on Prince of Wales Road)
Importance: Normal

[You don't often get email from alex@absystemsolutions.co.uk. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]



I am writing to formally object to this planning application, specifically concerning the inclusion of change of use to use class E.

The original planning application was approved with a crystal clear commitment from the owner to provide not just additional housing but a broader benefit to the community, namely the cinema. This condition was not just a token gesture but a crucial element in securing approval, motivated by the weight of public demand evident in the many consultation responses.

While this new application does include a change of use to use classes F1 and F2, both of which are in keeping with the spirit of the original application to benefit the local community, and likely to have widespread support, the inclusion of use class E is entirely conflicting . The 2020 amendments to The Town and Country Planning regulations introduce permitted development rights for change of use from use class E to use class 3 - dwellinghouse. It is clear that this is an underhanded way for the owner to circumvent their original commitment to the community and would inevitably lead to the conversion of the cinema space into residential flats.

It is imperative that the owner honors their original commitment. The council should hold the owner accountable and require them to set a commercially viable rent for the cinema space to attract an operator who can bring this amenity to fruition for the community. If a cinema proves unviable, use classes F1 and F2 should be prioritized to ensure the space continues to serve the community.

It should be acknowledged that the Curzon cinema has since opened in Hawley Wharf, reducing the community need for another cinema in this location—a development not envisaged at the time of the original application. This change in circumstances further underscores the need for community consultation regarding the future use of the space. It should be clearly communicated to the local community that this application will more than likely result in the cinema space being converted into flats, which would provide no community benefit.

The dedication of space to a cinema was an essential part of the planning approval, and if it transpires that a cinema is commercially unviable, the owner should have anticipated this from the outset. The community should not have to bear the consequences of the owner's miscalculations. The high rent set by the owner, making the cinema space unviable for operators, has resulted in the space remaining vacant for a decade. This is contrary to the spirit of the original planning conditions.

Granting the change to use class E would further undermine the original agreement and deprive

the community of a valuable cultural and social asset. The loss of the cinema space would be a significant blow to the local community, removing a potential hub for social interaction, entertainment, and community cohesion. The provision of additional flats, while beneficial in addressing housing needs, should not come at the expense of the community benefits that were promised and are still sorely needed.

It is imperative that the owner honors their original commitment. The council should hold the owner accountable and require them to set a commercially viable rent for the cinema space to attract an operator who can bring this amenity to fruition for the community. If a cinema proves unviable, use classes F1 and F2 should be prioritized to ensure the space continues to serve the community.

Please reject this planning application on the following basis:

1. Against the spirit of the original application to provide benefit to the local community

Any application for change of use including Class E should certainly not be granted as it will inevitably be used in conjunction with permitted development rights to convert at a later date to Class C3 - dwellinghouse, yet more private flats, resulting in a total permanent loss of 187 Kentish Town Road to the local community. The original planning application in 2013 would never have been granted with this eventuality, particularly as PDR to C3 was only introduced in September 2020, and would be entirely wrong to approve now.

2. General public are unaware that Class E includes permitted development rights for change of use to Class C3 - dwellinghouse

It is my view that the permitted development rights associated with Class E, namely change of use to Class C3 - dwellinghouse, are unknown to the vast majority of the public. Subsequently they will be unaware that this application entails eventual conversion of the cinema space to flats and will not be in a position to participate in a fair consultation process.

3. No logical reason has been provided for requiring Class E in the first place

In section 3.19 of the planning statement the applicant makes an extremely weak case for justifying Class E at all. They claim it is on behalf of a specific Prospective Party that does "not have secure funding in place" and is hampered by "uncertainty how financing would progress". The party having no funds should immediately render the justification meaningless but it is further compounded by acknowledging in section 3.18 that the proposed use of the premises by this party would be "akin to that of Sui Generis use" as determined by planning officers. In short, planning officers have already told the applicant that Class E is not required for the purpose stated by the prospective party.

This leaves the only remaining justification for Class E that it would enable the Prospective Party to vacate the premises early if necessary for any reason by making it easier to find a new tenant. No attempt is made to address why this hypothetical new tenant could not be satisfied with Class F1 or F2 as opposed to Class E.

The fact that the Planning Statement makes no mention whatsoever of the very real prospect to convert to flats indicates that this application is a backdoor to maximising profits for the applicant at the expense of the local community.

Already for the past 10 years, while the site has been under construction and vacant, the community has experienced what it would be like to have no community access to the site; it is a dead space where once there was life. This is exactly how it will feel to the community if the space is turned into flats: a pocket of dead space in an otherwise bustling, thriving high street.

As a long term local resident I miss having Pizza Express at the site. The building had a unique character in Kentish Town with high ceilings and an abundance of natural light through the double storey arched windows and skylight. Coupled with the vibrant atmosphere created by the restaurant it contributed greatly to the cultural appeal of the area. The character of the interior has been completely destroyed and the area left over for a cinema greatly reduced. It would rub salt in the wound for the community to permanently lose access to what little of the space remains.

Regards,
Alex Box

Address: 20 Inkerman Road, London, NW5 3BT
Phone: [REDACTED]