

Location	Everyman Cinema Great North Road Barnet EN5 1AB	
Reference:	19/1100/LBC	Received: 25th February 2019 Accepted: 26th February 2019
Ward:	Oakleigh	Expiry 23rd April 2019
Applicant:	N/A	
Proposal:	Painted mural to rear elevation	

Recommendation: Approve subject to conditions

AND the Committee grants delegated authority to the Service Director – Planning and Building Control or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:

106.21/SK50 - Rear elevation
Heritage Statement
Design and Access Statement

Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).

- 2 This development must be begun within three years from the date of this permission.

Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

Informative(s):

- 1 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.

Officer's Assessment

1. Site Description

The application site is located on the southern side of the Great North Road in Barnet. The large, detached cinema building is set back from the main road at the end of a local shopping parade known as Western Parade. To the rear of the site a car park is located and beyond this the High Barnet branch of the Northern-line Underground Train line.

The nearest residential properties, which are sited along Raydean Road sit at an oblique angle which do not have direct views of the rear façade of the cinema building.

The building was purpose-built as a cinema in 1935 by the architect Edgar Simmons. Odeon took over the site during construction. The cinema building was Statutory listed in October 1985.

The list description notes;

"Cinema. 1934 by Edgar Simmons as a County Cinema, taken over by Odeon before completion. Steel frame, clad in brick with rendered centrepiece, sheet metal roof. plan of foyer on two levels leading to double-height auditorium with balcony. Rendered 3-storey, 6-bay rounded centrepiece with half-glazed entrance 'doors: six Moorish-style' lancets rising 2 storeys. Flanked by brick towers with red brick diaperwork and tall recessed panels. Interior: foyer has Moorish-style paybox and original doors; moulded "marble" column to octagonal light well, with decorative metal balustrade to balcony and stairs. Fine Art Deco auditorium, with stepped mouldings surrounding stepped Moorish lancets, flanked by decorative metal grilles;; cornice with devrons; ceiling decoration based on octagonal patterns, with stepped mouldings surrounding central octagon with Art Deco "strapwork"; stepped mouldings to proscenium arch."

2. Site History

Reference: 15/06856/LBC

Address: Everyman Cinema, Great North Road, Barnet, EN5 1AB

Decision: Approved subject to conditions

Decision Date: 4 January 2016

Description: Installation of new removable screen to main auditorium, with additional lighting and audio equipment

Reference: 15/07885/S73

Address: Everyman Cinema, Great North Road, Barnet, EN5 1AB

Decision: Approved subject to conditions

Decision Date: 17 February 2016

Description: Variation of condition 1 (plans) for planning permission 15/04342/FUL dated 27/07/2015 for 'Internal and external refurbishment and alterations to the existing cinema, together with replacement plant and signage.' Variation to include minor alterations to the approved application, To allow for various minor internal and external revisions

Reference: 15/04342/FUL

Address: Odeon Cinema, Great North Road, Barnet, EN5 1AB

Decision: Approved subject to conditions

Decision Date: 21 September 2015

Description: Internal and external refurbishment and alterations to the existing cinema, together with replacement plant and signage.

Reference: 15/04343/LBC

Address: Odeon Cinema, Great North Road, Barnet, EN5 1AB

Decision: Approved subject to conditions

Decision Date: 21 September 2015

Description: Internal and external refurbishment and alterations to the existing cinema, together with replacement plant and signage. (LISTED BUILDING CONSENT)

Reference: 15/04344/ADV

Address: Odeon Cinema, Great North Road, Barnet, EN5 1AB

Decision: Approved subject to conditions

Decision Date: 21 September 2015

Description: 5 no. internally illuminated fascia signs, 1 no externally illuminated other sign and 1 no internally illuminated other sign

Reference: B/00397/12

Address: Odeon Cinema, Great North Road, Barnet, EN5 1AB

Decision: Approved subject to conditions

Decision Date: 19 March 2012

Description: Two roof mounted satellite dishes on the roof of the existing cinema building.

Reference: B/00396/12

Address: Odeon Cinema, Great North Road, Barnet, EN5 1AB

Decision: Approved subject to conditions

Decision Date: 19 March 2012

Description: Two roof mounted satellite dishes on the roof of the existing cinema building

Reference: N02303X/05

Address: Odeon Cinema, Great North Road, Barnet, EN5 1AB

Decision: Approved subject to conditions

Decision Date: 23 August 2005

Description: Installation of internal fire alarm equipment.

Reference: N02303AB/08

Address: Odeon Cinema, Great North Road, Barnet, EN5 1AB

Decision: Refused

Decision Date: 28 April 2008

Description: Variation to condition 7 (Operating times of machinery) of Planning Permission reference N02303Z/07 dated 14/12/2007 to allow operation of machinery on Sundays from 10am to 4pm.

Reference: N02303AA/08

Address: Odeon Cinema, Great North Road, Barnet, EN5 1AB

Decision: Approved

Decision Date: 8 May 2008

Description: Submission of details of Condition 2 (Details of colours to be used for canopy) pursuant to Planning Permission Reference N02303Z/07 dated 14/12/2007 for erection of canopy and change of use of part of car park to facilitate car wash.

Reference: N02303Z/07

Address: Odeon Cinema, Great North Road, Barnet, EN5 1AB

Decision: Approved subject to conditions

Decision Date: 14 December 2007

Description: Erection of canopy and change of use of part of car park to facilitate car wash.

Reference: N02303Y/05

Address: Odeon Cinema, Great North Road, Barnet, EN5 1AB

Decision: Approved

Decision Date: 10 November 2005

Description: Submission of details pursuant to Condition 3 of planning permission N02303X/05 granted 23.08.05 for installation of internal fire alarm equipment.

Reference: N02303V/02

Address: Odeon Cinema, Great North Road, Barnet, EN5 1AB

Decision: Refused

Decision Date: 1 March 2002

Description: Full planning application for the installation of 6 No. panel antennae and associated equipment cabinets.

Reference: N02303U/00

Address: Odeon Cinema, Great North Road, Barnet, EN5 1AB

Decision: Approved

Decision Date: 2 November 2000

Description: Details of materials part pursuant to condition 5 of planning permission ref.no. N02303S/99 dated 4 July 2000 for alterations and refurbishment works.

Reference: B/01604/10

Address: Odeon Cinema, Great North Road, Barnet, EN5 1AB

Decision: Permission Not Required

Decision Date: 25 June 2010

Description: Installation of a new green metal equipment cabinet.

Reference: N02303W/02

Address: Odeon Cinema, Great North Road, Barnet, EN5 1AB

Decision: Refused

Decision Date: 1 March 2002

Description: Listed building consent application for the installation of 6no. panel antennae and associated equipment cabins.

3. Proposal

This application seeks consent for a painted mural to be displayed on the rear elevation.

4. Public Consultation

This application was called in by Councillor Sowerby as he considers this mural will be highly intrusive within the street scene and out of character with the adjacent residential neighbourhood. I am equally concerned that it will denude the character of this grade II listed building.

A site notice was erected on 7th March 2019

A press notice was published on 7th March 2019

There is no neighbour consultation for Listed Building Consent application.

Internal / other consultations:

Heritage and Design:

As the wall proposed for the mural is at the rear of the cinema and not visible from the street, has previously been over-painted, had illuminated advertisements attached, and recently been subjected to a large amount of graffiti, I consider the proposal to have some merit. The mural would be visible to passengers on the adjoining Northern Line tube trains and is intended to attract new customers to the cinema and consequently improve its long term viability. Although the appearance of the wall would change this is not considered to be harmful to the building's wider special interest. The proviso is, however, that the paintwork should be removable and that a temporary consent is granted.

Highways:

The proposal is for a painted mural to the rear of the existing building. The applicant is not proposing any overhang onto the public highway. The proposed is not expected to have a detrimental impact on the surrounding public footway, I therefore have no objections on highways grounds.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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.

The National Planning Policy Framework (NPPF) was updated on 19th February 2019. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

The Mayor's London Plan 2016

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2031. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

The London Plan provides a unified framework for strategies that are designed to ensure that all Londoners benefit from sustainable improvements to their quality of life.

Barnet's Local Plan (2012)

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents. Both were adopted in September 2012.

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02, DM06.

The Council's approach to extensions as set out in Policy DM01 is to minimise their impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers. Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

Supplementary Planning Documents

Sustainable Design and Construction SPD (2016)

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether the alterations would be a visually obtrusive form of development which would detract from the character and appearance of the street scene and the Statutory Listed building.
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether harm would be caused to trees of special amenity value.

5.3 Assessment of proposals

Section 16(2) of the Planning (Listed buildings and Conservation Area) Act 1990 states that 'In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'

It is one of the core principles of the NPPF that heritage assets should be conserved in a manner appropriate to their significance. Chapter 12 of the National Planning Policy Framework at paragraph 129 sets out that the local planning authority should identify and assess the particular significance of any heritage asset...They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

Paragraphs 131-135 set out the framework for decision making in planning applications relating to heritage assets and this application takes account of the relevant considerations in these paragraphs.

Paragraphs 193 to 202 NPPF (2018) requires the decision maker to have regard for the impact of a proposed development on the significance of a designated heritage asset,

affording great weight to the asset's conservation. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Furthermore, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. Accordingly, Officers have assessed the proposals in this scheme and consider that the works put forward in this application amount to less than significant harm, which will be outweighed by the benefits of improving the dining experience for future users. As such, the proposed works are considered to be acceptable and ensure the significance of the existing building will be enhanced for the public benefit.

As per the Duty placed on the Local Planning Authority under sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Officers have given special regard to the desirability of preserving the building, its setting and features of special architectural and historic interest, and therefore consider that this duty has been met in the assessment and determination of this application.

Having regard to the above therefore, there is no material harm to the designated heritage asset has been identified and therefore consent should be granted in accordance with Policy DM06 of the Development Management Policies. Due regard has been given to the provisions of Section 16 of the Planning (Listed Building and Conservation Areas) Act 1990.

This application seeks consent for the erection of painted mural to the rear elevation of the Grade II listed cinema building. The rear elevation of the building faces on to the existing car park and railway line beyond.

The proposed mural would provide a decorative image to the rear façade of the building consisting of graphic image with familiar movie characters and features from famous 90s movies. This rear elevation has previously had advertisements sited on it, including the Odeon lettering, which was overpainted when the Everyman took over the site. The proposed design can easily be painted over in the future if necessary.

The proposed mural is entirely contained to the rear elevation of the host building, overlooking the cinema car park and railway line beyond with the nearest residential properties along Raydean Road facing away from the application site, as such it is not considered that the proposed development will give rise to any loss of amenity to neighbouring occupiers.

The proposals are considered to provide an appropriate ancillary advertisement to an otherwise blank, unattractive service façade which is not considered to contribute positively to the significance or special character and appearance of the host listed cinema building, due to a lack of architectural features or detailing. The development is not considered to result in any detrimental impact to the designated heritage asset, instead providing a positive enhancement which will improve this elevation and the building overall.

The proposals do not detrimentally impact on the qualities of the statutory listed building and protect the character of this part of the Oakleigh ward. The design, size and siting of the signage is such that it preserves the amenities of the occupiers of the neighbouring properties and the character and appearance of the individual property and street scene.

5.4 Response to Public Consultation

Nil.

6. Equality and Diversity Issues

The proposal does not conflict with either Barnet Council's Equalities Policy or the commitments set in the Equality Scheme and support the Council in meeting its statutory equality responsibilities.

7. Conclusion

Having taken all material considerations into account, the proposals would not detrimentally impact on the qualities of the host Statutory Listed building and protect the character of this part of the Oakleigh ward. The proposed alterations are such that, as conditioned, they preserve the amenities of the occupiers of the neighbouring properties and the character and appearance of the individual listed property and street scene.

