

Location	Everyman Cinema Great North Road Barnet EN5 1AB	
Reference:	19/1102/ADV	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 The period of consent shall be a period of five years commencing with the date of this decision.

Reason: To comply with Regulation 14(7) of Part 3 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.
- 3 Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

Reason: To comply with Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

- 4 Where an advertisement is required under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity and shall be carried out to the reasonable satisfaction of the Local Planning Authority.

Reason: To comply with Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

- 5 The maximum luminance of the signs shall not exceed the values recommended in the association of Public Lighting Engineer's Technical Report No. 5, Zone 3.

Reason: In the interest of highway safety and amenity in accordance with Policies DM01 and DM17 of the Development Management Policies DPD (adopted September 2012).

- 6 No advertisement shall be sited or displayed so as to endanger persons using the highway, obscure or hinder the ready interpretation of any road traffic sign, or obscure or hinder the operation of any device used for the purpose of security or surveillance.

Reason: To comply with Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

- 7 No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

Reason: To comply with Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

- 8 Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site, to the reasonable satisfaction of the Local Planning Authority.

Reason: To comply with Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

Informative(s):

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 of the detached cinema building.

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.

There is no public consultation for an Advertisement 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.

4.1 Main issues for consideration

Planning Practice Guidance states that the Local Planning Authority's power to control advertisements under the Town and Country Planning (Control of Advertisements)(England) Regulations 2007 may be used only in the interests of 'amenity' and 'public safety'. This is reinforced by paragraph 67 of the NPPF which advocates that advertisements should be subject to control only in the interests of amenity and public safety.

4.2 Policy context

National Planning Policy Guidance / Statements:

The determination of applications for advertisement consent is made mindful of Central Government advice and the Development 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.

Paragraph 67 states that "poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority's detailed assessment. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts".

Barnet's Local Plan (2012)

Relevant Core Strategy Policies: CS NPPF, CS9.

Relevant Development Management Policies: DM01, DM17.

Barnet's Design Guidance

Design Guidance Note 1 (Advertising and Signs) was approved in 1994 following public consultation. It states that advertisements should relate to their surrounding in terms of size, scale and sitting. In addition they should be located to avoid visual clutter and not conflict with traffic signs or signals or be likely to cause confusion or danger to road users. In respect to council policy and guidance it is considered that the proposed signage is acceptable.

5.3 Assessment of proposals

Public Safety

When considering public safety, Local Planning Authorities are expected to have regard to the adverts effect upon the safe use and operation of any form of traffic or transport on land (including the safety of pedestrians), over water, or in the air. Local Planning Authorities will therefore consider such matters as the likely behaviour of drivers of vehicles who will see the advertisement; possible confusion with any traffic sign or other signal; or possible interference with a navigational light or an aerial beacon. Local Planning Authorities will also bear in mind that some advertisements can positively benefit public safety by directing drivers to their destination. In their assessment of the public safety implications of an advertisement display, Local Planning Authorities will assume that the primary purpose of an advertisement is to attract people's attention and will therefore not automatically presume that an advertisement will distract the attention of passers-by, whether they are drivers, cyclists or pedestrians.

The vital consideration, in assessing an advertisement's impact, is whether the advertisement itself, or the exact location proposed for its display, is likely to be so distracting, or so confusing, that it creates a hazard to, or endangers, people in the vicinity who are taking reasonable care for their own and others' safety. Further advice on assessing the public safety implications of the display of an advertisement is given in the Government's Planning Practice Guidance.

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. There will be no view of the proposals from the front of the site or road.

It is therefore considered that the proposed mural would not be detrimental to public safety subject to conditions and that the application is therefore acceptable on this ground.

Visual Amenity

When assessing an advertisement's impact on amenity, Local Planning Authorities should have regard to its effect on the appearance of the building and on the visual amenity of the immediate neighbourhood. The relevant considerations for this purpose are the local characteristics of the neighbourhood, including scenic, historic, architectural or cultural features, which contribute to the distinctive character of the locality.

Design Guidance Note 1 (Advertising and Signs) states that advertisements should relate to their surrounding in terms of size, scale and sitting. In addition they should be located to avoid visual clutter.

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 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.

As such, the advertisement would not affect the designated heritage asset or the visual amenity of the area.

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.

