



PLANNING COMMITTEE REPORT

PLANNING COMMITTEE	
Date:	16 December 2014

Application number	P2014/3185/S73
Application type	Variation of Condition
Ward	St Marys Ward
Listed building	Grade II* Listed
Conservation area	Canonbury Conservation Area
Development Plan Context	Site Allocation AUS7 Rail Safeguarding Area Within 100 metres of Strategic Road Network
Licensing Implications	Requires licence
Site Address	161 - 169 Essex Road, London, N1 2SN
Proposal	Application to vary the wording of condition 1 of planning permission reference P120092 dated 30 January 2013 that granted the temporary change of use to a mixed D1 (non-residential institution) and D2 (assembly and leisure) use for a maximum period of 3 years [approved for a maximum period of 2 years]. The amendment of condition 1 would to extend the time limit for the temporary use of the building for a further 3 years from the date of permission.

Case Officer	Nathaniel Baker
Applicant	Mr Christian Kusi-Yeboah
Agent	Mr David Gurtler – Alpha Planning Ltd

2 RECOMMENDATION

The Committee is asked to resolve to **GRANT** planning permission:

1. subject to the conditions set out in Appendix 1; and

3 SITE PLAN (SITE OUTLINED IN BLACK)



4 PHOTOS OF SITE/STREET

Front:



Rear:



5

SUMMARY

- 5.1 The planning application proposes the variation of condition 1 (temporary permission) attached to planning permission ref: P120092 (dated 30/01/2013) for a temporary change of use to a mixed D1 and D2 use for a period of two years. The variation would allow the temporary use to operate for a further 18 months (3 years applied for by applicant).
- 5.2 The building is currently predominantly in D1 use as a church with limited D2 (leisure) uses. With the safeguards secured by the proposed conditions, the land use proposed is broadly considered to be consistent with planning policy and the aims of the NPPF.
- 5.3 The timeframes for the implementation of the previous permission and the generation of interest (and therefore funds) in D2 uses have restricted the full mixed use operation of the building and have not allowed sufficient funding/time for the works to the listed building to be generated/implemented. As such, the increase in the temporary period for a reduced period of 18 months is considered to represent sufficient time for further enabling works to be carried out and provide the impetus for a full restoration of the building.
- 5.4 The proposed works would ensure that the Grade II* Listed Building, which is on English Heritage's 'Heritage at risk' register (2011), continue to be occupied and that further restoration works are carried out.
- 5.5 As such, the proposal is considered to be acceptable and is recommended for approval subject to conditions.

6 SITE AND SURROUNDING

- 6.1 The site comprises the vacant Carlton Cinema building which was last in use as a bingo hall. The site lies on the north eastern side of Essex Road adjacent to the junction with River Place and close to the junction with Canonbury Road. A substantial mostly brick flank elevation runs along River Place. The distinctive building has an Egyptian style frontage facing onto Essex Road. The side and rear elevations are yellow brick with the ground floor painted, these have minimal window openings and there is also a later rear extension to accommodate the back of house equipment.
- 6.2 Astey's Row forms the north western boundary of the site. The building is set back from the northern boundary with the rear elevation facing an area used for car parking. To the west the site borders the commercial/residential properties facing Essex Road where the building extends to the site boundary, and to the rear the property adjoins residential properties on Astey's Row.
- 6.3 The car park space to the north of the site falls within the Canonbury Conservation Area. This part of the site also includes two existing statutory listed bollards. The site slopes with the natural fall from northeast to southwest, with a level difference of approximately 2.3m along River Place from the corner with Astey's Row to the main entrance on Essex Road.
- 6.4 The frontage of the property lies on Essex Road in an area predominantly consisting of ground floor retail with residential above, within a mix of building styles, mostly 3/4 storeys high. The two-storey Essex Road Station lies on the west corner of Essex Road and Canonbury Road. Northwest of this junction, Essex Road whilst remaining busy becomes more residential in character. The site adjoins two four storey residential flats, Lincoln House and Worcester House on the Astey's Row frontage. On the opposite side of Astey's Row is the New River Walk, which is a strip of open space, including a children's play area, a space which has Grade II Listed railings and other attractive architectural features. Canonbury Villas lies to the north of The New River Walk with a distinctive four storey Edwardian building to its south and four storey mansion blocks.
- 6.5 The Carlton Cinema was opened on 1 September 1930 at which time it had a seating capacity of 2,266. It was designed by George Coles, a noted architect who designed a number of cinemas throughout London and the UK. The building is on English Heritage's, 'Heritage at risk' register (2011). It is registered at level C (Grades A-F with A being highest at risk for a deteriorating building). The plaster work to the ceiling of the main auditorium has been damaged.

7 PROPOSAL (IN DETAIL)

- 7.1 The variation of condition 1 (temporary permission) attached to planning permission ref: P120092 (dated 30/01/2013) which was granted conditional permission for a temporary change of use to a mixed D1 (non-residential institution) and D2 (assembly and leisure) use for a maximum period of 3 years [approved for a maximum period of 2 years].
- 7.2 Condition 1 states:

The use of the building hereby approved is granted only for a limited period, being 2 years from the issue of this permission on or before that date the temporary use shall cease.

On the cessation of the temporary use hereby granted the building and land shall revert to the use/purpose for which it was normally used prior to the grant of this planning permission.

REASON: The temporary use is such that the Local Planning Authority is only prepared to grant permission for a limited period in view of the special circumstances of this case. The limitation of the consent period ensures compliance with policies: policy DM29 of the emerging Development Management Policies Submission (June 2012) and Site allocation AUS7 (Site Allocations Submission Document, June 2012).

- 7.3 The proposed variation seeks the extension of the temporary permission for a further three years from the date of decision.

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RELEVANT HISTORY:

PLANNING APPLICATIONS:

- 8.1 **P072999** - change of use from bingo hall/cinema to religious worship/cinema and ancillary uses – **Granted Conditional Permission** (03/03/2008).
- 8.2 **P080514** - Change of use of building from a bingo hall (Use Class D2) to place of religious worship (Use Class D1) with additional secondary D1 and D2 uses of the main auditorium as a cinema, theatre, live music, sports events, hospitality events, and educational, training and public lectures. Creation of three small screen cinemas at first and second floor level; operation of a refreshments bar and a coffee bar at ground floor level and a cafe / restaurant (Use Class A3) at first floor level; creation of youth / community facilities (Use Class D1) at third floor level; together with sympathetic refurbishment of both interior and external elevations - **Granted Conditional Permission** (14/04/2009).
- 8.3 **P080515** - Listed Building Consent application in connection with refurbishment of existing building, internal alterations, new roof plant and minor external alterations and extensions – **Granted Conditional Consent** (14/04/2009).
- 8.4 **P091018** - Renovation and alterations of and two level basement extension to the existing Listed Building with change of use to provide a mix of D1 and D2 uses (2317 seat theatre, 110 seat cinema, 520 seat banqueting hall, 255.3sq.m flexible meeting rooms for place of worship, theatre, live music, sports events, hospitality events and educational, training, public lectures and community use). In addition the erection of a two storey roof extension, seven storey rear extension and a four storey infill extension to the west to create 44 private flats (15x1, 26x2, 1x3, and 2x4 beds), day care centre with ancillary 4 car parking spaces and 64 cycle spaces - **Appeal Dismissed** (11/04/2011).
- 8.5 **P091019** - Listed Building Consent application in connection with renovation and alterations of existing Listed building as part of redevelopment proposal for mix-use development incorporating two level basement extension, two storey roof extension, seven storey rear extension and a four storey infill extension to provide a mix of D1 and D2 uses and 44 private flats with ancillary facilities - **Appeal Dismissed** (11/04/2011).
- 8.6 **P120656** - Application to replace extant full planning permission reference: P080514 (dated 14 April 2009) for the: Change of use of building from a bingo hall (Use Class D2) to place of religious worship (Use Class D1) with additional secondary D1 and

D2 uses of the main auditorium as a cinema, theatre, live music, sports events, hospitality events, and educational, training and public lectures. Creation of three small screen cinemas at first and second floor level; operation of a refreshments bar and a coffee bar at ground floor level and a cafe / restaurant (Use Class A3) at first floor level; creation of youth / community facilities (Use Class D1) at third floor level; together with refurbishment of both interior and external elevations – **Refused Permission** (21/06/2012).

8.7 **P120092** - Temporary change of use to a mixed D1 (non-residential institution) and D2 (assembly and leisure) use for a maximum period of 3 years [approved for a maximum period of 2 years] - **Granted Conditional Permission** (30/01/2013).

8.8 This application has been implemented but not all of the relevant 'prior to occupation' conditions have been discharged.

8.9 **P120093** - Temporary change of use to a mixed D1 (non-residential institution) and D2 (assembly and leisure) use, and installation of temporary partitions within the main auditorium space to allow the building to be used as a place of worship for a maximum period of 3 years [Consent granted for a 2 year period only] - **Granted Conditional Consent** (30/01/2013).

8.10 This application has been implemented but not all of the relevant 'prior to occupation' conditions have been discharged.

8.11 **P2013/2959/AOD** - Approval of details pursuant to conditions 3 (Access Management Plan), 4 (Bicycle storage), 5 (Operational Management Plan), 6 (Community Management Plan), 8 (Open yard - servicing and parking details), 9 (refuse and recycling), 10 (Boundary Treatment) & 13 (Green Travel Plan) of planning permission ref: P120092 – **Refused Permission** (02/12/2014)

8.12 **P2013/0811/AOD** - Approval of details pursuant to conditions 2 (method statement), 3 (scheme for repair of auditorium), 5 (historic plasterwork), 6 (infilling of door openings), 7 (partitions) and 9 (historic fixtures and fittings) Listed building consent ref P120093 dated 30 January 2013 – **Approved with no conditions** (21/08/2014).

8.13 **P2014/3177/S19** - Application for Variation of Condition 1 (temporary consent) of listed building consent reference P120093 dated 30 January 2013 for listed building works relating to the temporary change of use to a mixed D1 (non-residential institution) and D2 (assembly and leisure) use for a maximum period of 3 years [approved for a maximum period of 2 years]. The amendment of condition 1 would to extend the time limit for the temporary use of the building for a further 3 years from the date of permission – **Pending Consideration**.

8.14 In addition to the above planning and listed building consent applications the site is subject to a number of Enforcement investigations.

PRE-APPLICATION ADVICE:

8.15 **Q2014/4170/MJR** – Pre-application submission for the renovation of the building, bringing the auditorium back into use for 2000 people and various other rooms (including backstage, front of house rooms and meeting rooms) and a rear extension to create 24 new flats - Currently being considered.

ENFORCEMENT

- 8.16 The Enforcement Team are currently investigation two complaints regarding the site. These relate to works to the faience and the insertion of UPVC windows to the side elevation. The works to the faience are dealt with via condition in the listed building application (Ref: P2014/3177/S73). The UPVC windows did not form part of this or the original application at the site and are a separate Enforcement matter.

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CONSULTATION

Public Consultation

- 9.1 Letters were sent to occupants of 218 adjoining and nearby properties at Astey's Row, Canonbury Road, Halton Road, Melville Place and Essex Road on 29th August 2014. A site notice was placed at the site and the application advertised on 4th September 2014. The public consultation of the application therefore expired on 25th September 2014, however it is the council's practice to continue to consider representations made up until the date of a decision.
- 9.2 At the time of the writing of this report a total of 2 responses had been received from the public with regard to the application. These consisted of 2 objections to the proposal. The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated within brackets):

Objections:

- The existing use of the premises results in noise nuisance with loud noise regularly exceeding the hours of use (paras 9.7 and 11.32 -11.37);

Support:

- One respondent notes that they would have no objection to only extending the change of use for a place of worship.

Non-planning issues:

- Concern raised regarding potential development of the building with resultant impacts on parking, traffic congestion and night time noise (paras 11.41);

External Consultees

- 9.3 **English Heritage** – No response received. However, it should be noted that no objection has been raised to the associated listed building consent application (P2014/31477/S73).

Internal Consultees

- 9.4 **Design and Conservation Officer** – Some works have been carried out at the site which are in breach of conditions on the original consent but subject to appropriate conditions these works are not objected to.

The main concern is the retention of the large partition to the main auditorium which is visually harmful to the most important space in the building. In spite of these concerns it is appreciated that there has not been the expected interest in the use of the building and therefore insufficient funds to carry out all of the works previously

consented. There have also been a number of positive works carried out as previously approved.

Subject to the temporary permission being extended by 1 year to reflect the originally applied for consent and that no further time extension were to be applied for, no objection is raised to the temporary permission.

- 9.5 **Licensing** – A licensing application was withdrawn by the applicant earlier this year. There were 18 representations in opposition to the proposals.

Given that the application was to authorise alcohol and regulated entertainment the planning authorisation was not adequate.

The concerns relevant to the planning extension would be that a number of residents did mention periodic noise nuisance from services at the church.

- 9.6 **Transport Planning Officer** – Subject to the same conditions being added to any extension of temporary permission with assurances that the details would be forthcoming (within a limited timeframe) no objections are raised.

- 9.7 **Public Protection (Noise Issues)** – There have been 7 complaints made over 2013 and 2014 regarding noise from the site. A statutory noise nuisance has not been witnessed and Noise/Patrol/Pollution Team are not taking any further action.

10 RELEVANT POLICIES

Details of all relevant policies and guidance notes are attached in Appendix 2. This report considers the proposal against the following development plan documents.

National Guidance

- 10.1 The National Planning Policy Framework 2012 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.

Development Plan

- 10.2 The Development Plan is comprised of the London Plan 2011, Islington Core Strategy 2011, Development Management Policies 2013 and Site Allocations 2013. The policies of the Development Plan are considered relevant to this application and are listed at Appendix 2 to this report.

Designations

- 10.3 The site has the following designations under the London Plan 2011, Islington Core Strategy 2011 and Development Management Policies 2013.

- Grade II* Listed Building
- Canonbury Conservation Area
- Site Allocation – AUS7
- Within 100 metres of strategic Road Network
- RS2 Rail Safeguarding Area

Supplementary Planning Guidance (SPG) / Document (SPD)

10.4 The SPGs and/or SPDs which are considered relevant are listed in Appendix 2.

Environmental Impact Assessment

10.5 An EIA screening was not submitted. However the general characteristics of the site and proposal are not considered to fall within Schedule 1 or 2 development of the EIA Regulations (2011).

11 ASSESSMENT

11.1 Section 73 of the Town and Country Planning Act 1990 concerns 'determination of application to develop land without compliance with conditions previously attached'. It is colloquially known as 'varying' or 'amending' conditions. Section 73 applications also involve consideration of the conditions subject to which planning permission should be granted. Where an application under S73 is granted, the effect is the issue of a fresh grant of permission and the notice should list all conditions pertaining to it.

11.2 Alterations to planning policy and other material considerations since the original grant of planning permission are relevant and need to be considered. Since the grant of the temporary permission Islington's Local Plan: Development Management Policies (2013) and Islington's Local Plan: Site Allocations (2013) have been adopted, while the Islington UDP (2002) has been superseded.

11.3 The National Planning Policy Framework (NPPF) has been considered in the assessment of this application, as well as the National Planning Policy Guidance (NPPG).

11.4 The main issues arising from this proposal relate to:

- Land use
- Design, Conservation and Heritage
- Neighbouring amenity
- Highways and Transportation

Land-use

11.5 The Core Strategy (2011) is clear that cultural and entertainment uses (such as the D2 use of the site) should be protected and encouraged in town centres. More specifically policy CS5 of the Core Strategy states that "*The Angel will be strengthened as a cultural destination by protecting and encouraging arts and entertainments uses*".

11.6 Policy DM4.12 of the Development Management Policies (2013) states that the loss of and/or change of use of cultural facilities (including cinemas) will be strongly resisted. The supporting text of this policy emphasises the wealth of cultural attractions within Islington, which lie at the heart of Islington's economy, identity, sense of place and/or attraction for residents and visitors from London, the UK and abroad and seeks to maintain and enhance Islington's cultural attractions. Policy DM4.4 'Promoting Islington's Town Centres' supports this policy in that it seeks to maintain and enhance town centre uses, which include D2 uses.

11.7 This is reinforced by London Plan Policy 4.6 which states that boroughs should support the continued success of London's diverse range of cultural and

entertainment enterprises and the cultural and economic benefits that they offer to residents, workers and visitors. The supporting text to this policy states that arts, cultural and heritage facilities within Angel Islington are of more than local importance. Furthermore, London Plan Policies 2.15 and 4.7 seek to support and enhance leisure, art and cultural services within Town Centres

- 11.8 With regard to the D1 use of the site, the supporting text of policy DM4.12 states that social infrastructure (which includes places of worship) is vital to the identity and function of the borough, contributing to its diversity, vitality and sustainable communities. DM4.12C states that new social infrastructure should be located in accessible locations, provide accessible and inclusive space, maximise shared use of the facility for recreational and community uses and complement existing uses and the character of the area, avoiding adverse impacts on the amenity of surrounding uses.
- 11.9 London Plan Policy 3.16 supports the provision of social infrastructure in accessible locations and also states that, *“Wherever possible, the multiple use of premises should be encouraged.”*
- 11.10 The site also falls within Site Allocation AUS7 of Islington’s Local Plan: Site Allocations (2013). The site allocation states:

“This former cinema and bingo hall can play a key role in helping to strengthen Angel Town Centre as a cultural destination by protecting and encouraging arts and entertainment uses. The building was used for public entertainment until recently, demonstrating its importance in the social, economic and cultural history of the area and should be retained for an appropriate use which reflects this. Any future proposal should primarily retain assembly and leisure use (D2) and supporting functions. Some restaurant and cafe (A3) use may also be acceptable.”

Previous Permission:

- 11.11 Temporary permission was granted for a two year period on 30th January 2013 for refurbishment works to the ground floor of the then vacant Grade II* listed former Carlton Cinema building and the change of use from a bingo hall (D2 use) to a ‘mixed’ place of religious worship (D1 use) and leisure facility (D2 use) for a temporary period of two years. The predominant use was intended to be as a place of worship. The previous use of the building and the use to which the property would revert at the expiration of the temporary permission is a D2 use.
- 11.12 The temporary consent was applied for under the previous application for a three year period primarily because of the applicant’s inability to implement the 2009 approval or undertake a scheme to refurbish the whole building. The applicant had estimated on the previous application that the cost of refurbishment of the building would be in the order of £4 700 000, a sum that the church was unable to raise at the time.
- 11.13 It was concluded in the previous application that the granting of a temporary permission for two years gave the Council the opportunity to monitor and assess the applicant’s commitment towards operating a fully integrated mixed use building. If operated in accordance with the submitted details and those required by condition it could be both a cultural and community benefit for Islington. With these safeguards secured the land use proposed was broadly considered to be consistent with (then emerging) planning policy and accorded with the aims of the NPPF.

Consideration of Submission:

- 11.14 The religious worship (D1) use of the site is detailed by the applicant to operate twice a week (Sunday and Tuesday) and the original application also detailed this use on Christmas Eve, Christmas Day, New Year's Eve, New Year's Day, Good Friday, Easter Sunday and during a two week annual conference. In comparison, individual D2 uses at the site are detailed to have only occurred four times since the operation commenced with 10 provisional bookings up to the expiry of the original temporary application.
- 11.15 Furthermore, during 12 months of operation the applicant has failed to obtain a Premises License to enable the building to be used for plays, films, live and recorded music, dance, conferences, product launches, comedy shows, theatre and cinema uses, together with the sale of refreshments and alcohol. The applicant has detailed that the application was withdrawn due to the number of representations received in opposition to the proposal and the License Officer has confirmed this.
- 11.16 However, the applicant has set out that after programme tenders, contracts, submission of details, marketing and publicity are taken into account the two year temporary permission was insufficient to allow the site to become established as a venue and facility for wider social and cultural use, or generate an income to enable subsequent phases of refurbishment and restoration work. The building therefore only became operational from 24th August 2013.
- 11.17 Whilst condition 5 of the original permission required an annual audit report detailing non-religious worship occupancy to be submitted on the first anniversary of the operation and at the end of the two year period, the current application was submitted within 1 year of the date of operation and sets out the relevant information.
- 11.18 Following the commencement of the operation the applicant has detailed that the D2 use has been promoted within the locality and across London, with the following methods having been employed to gain D2 (leisure) users:
- Written to local schools offering free use of the facilities for shows;
 - Appointed a management company;
 - Had 'open house' events for key agencies and suppliers;
 - Advertised locally; and
 - Submitted a Premises License.
- 11.19 The methods of promotion of the D2 use of the building are considered to be appropriate; but restrictive to the D2 use of the building is the lack of a premises licence, which may, in part, explain the low level of uptake.
- 11.20 However, the applicant has recently applied to the General Register Office (part of HM Passport Office) to register the building as a 'Public Place of Worship'. If registered, the provision of any entertainment or entertainment facilities would not be regarded as the provision of 'regulated entertainment' for the purposes of the Licensing Act 2003, as amended. As such, the building could be used to provide the following entertainment where this takes place in the presence of an audience and is provided for the purpose, or for purposes which include the purpose, of entertaining that audience:
- a) Performance of a play;
 - b) an exhibition of a film;
 - c) an indoor sporting event;

- d) a boxing or wrestling entertainment;
- e) a performance of live music;
- f) any playing of recorded music;
- g) a performance of dance; and
- h) entertainment of a similar description to that falling within paragraph e), f) or g).

and

- a) Making music;
- b) dancing; and
- c) entertainment of a similar description to that falling within paragraph a) or b)

11.21 For clarity this would not include the sale of alcohol, which would still require a premises license.

Land Use Conclusions:

11.22 It was acknowledged in the previous application that during the temporary permission the predominant use of the building would be D1, but that fundamental to the reason for granting permission was the fully integrated mixed use of the building. The details submitted to date and the various works which have been carried out at the site, some without consent, could be considered to show a lack of commitment to the mixed use of the building. However, the applicant has set out that the original two year permission, taking into account the timeframes and considerations set out above (including the advertisement of the premises, use of a management company, open house events, offers to local schools and the application to register the site as a 'Public Place of Worship'), have not allowed a sufficient period of time to give effect to these arrangements.

11.23 Whilst it is noted that a number of conditions fundamental to the permission have not been discharged, notably the requirement for an Operation Management Plan, where relevant the wording of relevant conditions are proposed to be amended. This would ensure that where details were previously required to be submitted and approved in writing 'prior to the commencement of operation', the details would be submitted within 6 weeks of the date of the permission. This would ensure that the originally intended safeguards were either secured within a short timeframe or where not complied with or not submitted within the required time period appropriate enforcement action could be taken.

11.24 Taking into account all material considerations and the safeguards proposed and set out above, it is considered that an extended temporary time period would provide a sufficient period for a fully informed and robust assessment of the results over this further (18 month) time period could be made which would then inform future permanent solutions for the site.

11.25 It should be noted that the continued operation of the site through temporary permissions in perpetuity would not represent a satisfactory commitment to the operation of a fully integrated mixed use building. Accordingly, the 3 year period of extension applied for would not be appropriate. As such, an 18 month extension to the original permission, which takes into account the originally applied for length of the temporary permission (3 years), the time lost to making the building operational and the time required to obtain a premises license and/or register the building as a 'Place of Religious Worship' and discharge the recommended conditions is appropriate.

11.26 It is therefore considered that the granting of an extended temporary permission for an additional 18 months will give the applicant time to put the above measures into place and the Council the opportunity to monitor and assess the applicant's commitment towards operating a fully integrated mixed use building. If operated in accordance with the submitted details and those required by condition it could be both a cultural and community benefit for Islington. Additionally it would give further opportunity to keep this Grade II* Listed Building in occupation, working towards investment and improvements into this valuable designated heritage asset, which is on English Heritage's, 'Heritage at risk' register (2011). With these safeguards secured the land use proposed is broadly considered to be consistent with planning policy and the aims of the NPPF.

Design, Conservation and Heritage:

11.27 The original temporary consent at the building included extensive works to the grade II* Listed Building, a number of which, particularly the partition within the auditorium were harmful to the significance of the listed building. However, the temporary use was considered to represent an opportunity to bring the building, which is on English Heritage's, 'Heritage at risk' register (2011) back into an active use, which in turn would generate the required funding to undertake renovation works that would restore significance elements of the building and remove the building from the 'Heritage at risk' register. As such, whilst some works of harm were allowed, for the reasons set out above, together with the temporary nature of the use/works, the harm to the listed building was considered to represent enabling works to allow the building to be brought back into a public use. Furthermore, the harmful elements were constructed in such a way that they could be easily reversed without harm to the heritage asset.

11.28 Of the previously consented works, some have been successfully implemented (such as repairs to plaster work), some works have been carried out in breach of condition 9 (the paint work and faience cleaning) and others are yet to be implemented. The previously imposed conditions on the listed building consent have now been mostly discharged and the conditions recommended on this application reflect this.

11.29 It is noted that concern has been raised by the Design and Conservation Team regarding the length of time of any extension to the temporary permission due to the continued harm to the listed building becoming established, such as the auditorium partition. However, these comments also set out that the granting of a limited period of extension would ensure further time, as originally applied for, to generate funds and continue the renovation of the building.

11.30 It is considered that the extension of the temporary period, whilst maintaining some harmful works, would provide a further period of enabling works and for some of the various works carried out at the property to be implemented or rectified. Whilst there is harm to the heritage asset, it is considered that the continued use of this Grade II* listed building and the continued works to the property would provide the impetus for a future full restoration rather than result in a vacant building at risk of further deleterious impacts on its significance and on balance the extension of the time period is considered to be acceptable in this case.

11.31 Notwithstanding this, whilst the Design and Conservation Team have suggested an increase in time of 1 year to reflect the proposed development applied for as part of the original application, a period of 18 months is considered to be appropriate due to the time spent by the applicant in bringing the building back into use and to allow

sufficient time for the discharge of conditions recommended as part of this application.

Neighbouring Amenity

- 11.32 With regard to neighbour amenity, the previous temporary permission was not considered to detrimentally impact upon the amenity of the neighbouring occupants. Since the grant of that permission it is noted that a premises licence application was submitted and the licensing team have confirmed that a number of representations were received as part of that application which raised concerns over noise and disturbance from the use of the site. Additionally, two representations have been received in response to the consultation relevant to this application which also raise concerns over noise and disturbance.
- 11.33 The Council's Public Protection Team have detailed that there have only been 7 noise complaints received covering 2013 and 2014 and that no statutory noise nuisance has been recorded. With the exception of one complaint, the times at which the noise complaints were received are within the previously approved hours of operation. However, to address these concerns, a condition is recommended that would restrict the noise emissions audible outside of the site.
- 11.34 The previous temporary permission included a number of safeguards to ensure that the proposed use would not detrimentally impact upon adjoining occupier's amenity. The officer's report for the previous application states that the 2 year temporary permission would allow the Council the opportunity to review any impact and consider any potential remedies at that time.
- 11.35 The relevant condition relating to neighbour amenity (the Community Management Plan) has not been discharged and as such is re-imposed with a limited period for its submission and approval. Additionally, condition 7 of the original permission, which limited the hours of use of the property, are proposed to be re-imposed. The hours of use are as follows:
- 0730 to 22:00 Mondays to Thursdays;
 - 0730 to 23:00 on Fridays;
 - 0800 to 23:00 Saturdays; and
 - 0800 to 20:00 on Sundays and Public Holidays.
- 11.36 Subject to these conditions, the proposed extension of time to the temporary permission is considered to be acceptable with regard to neighbour amenity.
- 11.37 Additionally, should any Premises License be forthcoming, this would also include sufficient safeguards to ensure that the premises would not impact upon the amenity of the neighbouring occupiers.

Highways and Transportation

- 11.38 The site has a PTAL of 6a which is 'Excellent with Essex Road and Highbury and Islington railway stations in close proximity and a number of bus routes running along Essex Road. The site includes a rear yard which has previously been used for informal parking and for servicing the building. The use of this yard for accessible parking and servicing was considered to be acceptable subject to details being submitted. Similarly, whilst the auditorium can accommodate up to 588 people and a Transport Assessment or Transport Statement was not submitted, subject to conditions requiring a Community Management Plan. Green Travel Plan and parking

restrictions, the previous proposal was considered to be acceptable with regard to Highways and Transportation considerations.

- 11.39 Although the conditions referred to above have not been discharged, the continued temporary use of the site would not raise any new concerns with regard to Highway and Transportation, subject to the details required by condition being updated to reflect the extended temporary period.

National Planning Policy Framework

- 11.40 The scheme is considered to accord with the aims of the NPPF and to promote sustainable growth and protect the heritage asset.

Other Matters

- 11.41 A representation has been received which raises concern regarding potential future development at the site and the impact upon neighbouring residents and the transport network. This application only relates to the temporary permission applied for and should any future application be submitted to further develop the site all relevant planning considerations would be assessed at this time.

12 SUMMARY AND CONCLUSION

Summary

- 12.1 The planning application proposes the variation of condition 1 (temporary permission) attached to planning permission ref: P120092 (dated 30/01/2013) for a temporary change of use to a mixed D1 and D2 use for a period of two years. The variation would allow the temporary use to operate for a further 18 months (3 years applied for by applicant).
- 12.2 The building is currently predominantly in D1 use as a church with limited D2 (leisure) uses. With the safeguards secured by the proposed conditions, the land use proposed is broadly considered to be consistent with planning policy and the aims of the NPPF.
- 12.3 The timeframes for the implementation of the previous permission and the generation of interest (and therefore funds) in D2 uses have restricted the full mixed use operation of the building and have not allowed sufficient funding/time for the works to the listed building to be generated/implemented. As such, the increase in the temporary period for a reduced period of 18 months is considered to represent sufficient time for further enabling works to be carried out and provide the impetus for a full restoration of the building.
- 12.4 The proposed works would ensure that the Grade II* Listed Building, which is on English Heritage's 'Heritage at risk' register (2011), continue to be occupied and that further restoration works are carried out.
- 12.5 As such, the proposal is considered to be acceptable and is recommended for approval subject to conditions.

Conclusion

- 12.6 It is recommended that planning permission be granted subject to conditions as set out in Appendix 1 – RECOMMENDATIONS.

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

That the grant of planning permission be subject to **conditions** to secure the following:

List of Conditions:

1	Temporary Permission (Compliance)
	<p>CONDITION: The use of the building hereby approved is granted only for a limited period, being 18 months from the issue of this permission on or before that date the temporary use shall cease. On the cessation of the temporary use hereby granted the building and land shall revert to the use/purpose for which it was normally used prior to the grant of this planning permission.</p> <p>Reason: The temporary use is such that the Local Planning Authority is only prepared to grant permission for a limited period in view of the special circumstances of this case.</p>
2	Approved plans list (Compliance)
	<p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>RR11.REPM/ER.01 Rev D; RR11.REPM/ER.02 Design and Access Statement (Savills), Scope of works (Savills, sent by email 14th December 2012), 3055/001A and Planning Statement (ref: APL/00056/RES/DGu).</p> <p>REASON: To comply with Section 70(1)(a) of the Town and Country Act 1990 as amended and the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning.</p>
3	Access Management Plan
	<p>CONDITION: An Access Management Plan shall be submitted to the Local Planning Authority within 3 months of the date of this decision and approved in writing. The Access Management Plan shall detail how:</p> <p>a) services will be delivered to people with mobility impairments, visual and hearing impairments, cognitive disabilities;</p> <p>b) where physical access is provided; how services and facilities will be effectively inclusive and what provisions are made for safe egress; and</p> <p>c) where no physical access is provided, what alternative means have been established by which to deliver equivalent services.</p> <p>Upon the approval of an Access Management Plan the site shall be operated in full accordance with the plan at all times.</p> <p>REASON: In order to facilitate and promote inclusive and sustainable communities.</p>
4	Cycle Store (Details)
	<p>CONDITION: A plan detailing bicycle storage, which shall provide for no less than a total of 25 bicycle spaces shall be submitted to the Local Planning Authority within 3 months of the date of this decision and approved in writing. The bicycle store shall be installed and operational within 3 months of the approval of the details.</p>

	<p>REASON: To ensure adequate cycle parking is available and easily accessible on site and to promote sustainable modes of transport.</p>
5	<p>Operational Management Plan (Details)</p> <p>CONDITION: An Operational Management Plan shall be submitted to the Local Planning Authority within 3 months of the date of this decision and approved in writing. The Operation Management Plan shall detail how:</p> <p>a) the basis by which the mixed use venue will operate; and b) set out the application process by which interested groups and individuals can hire the premises. c) an Annual Audit report detailing non-religious worship occupancy shall be submitted to the Council on the first anniversary of operation and at the end of the two year permission.</p> <p>Upon the approval of an Operational Management Plan the site shall be operated in full accordance with the plan at all times.</p> <p>REASON: To attempt to ensure that the premises offer a range of community and cultural activities.</p>
6	<p>Community Management Plan (Details)</p> <p>CONDITION: A Community Management Plan shall be submitted to the Local Planning Authority within 3 months of the date of this decision and approved in writing. The Community Management Plan shall contain measures and commitments to ensure the building is neighbourhood friendly, and these shall include:</p> <p>i) details of a stewarding scheme for visitors entering and leaving the site (including regarding car parking); ii) details of a community liaison scheme to address residents' issues and concerns; and; iii) other matters raised by the green travel plans</p> <p>Upon the approval of a Community Management Plan the site shall be operated in full accordance with the plan at all times.</p> <p>REASON: In order to protect the amenity of neighbouring residential occupiers.</p>
7	<p>Hours of Operation (Compliance)</p> <p>CONDITION: The religious worship use and any other use taking place within the building (as hereby approved) shall only operate between the hours of:</p> <ul style="list-style-type: none"> • 0730 to 22:00 Mondays to Thursdays; • 0730 to 23:00 on Fridays; • 0800 to 23:00 Saturdays; and • 0800 to 20:00 on Sundays and Public Holidays. <p>REASON: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity.</p>
8	<p>Service Yard (Details)</p> <p>CONDITION: A plan detailing how the open yard area to the rear of the site shall be used for servicing and accessible parking shall be submitted to the Local Planning Authority within 3 months of the date of this decision and approved in writing. This yard shall only be used for the purposes of servicing the site and to provide disabled parking spaces and shall not be used to provide general parking for staff or visitors.</p>

	<p>Upon the approval of a plan for the service yard this shall be operated in full accordance with the plan at all times.</p> <p>REASON: In order to reduce private car journeys and encourage the use of sustainable modes of transport.</p>
9	Refuse and Recycling (Details)
	<p>CONDITION: Details of refuse and recycling store provision at the site shall be submitted to the Local Planning Authority within 3 months of the date of this decision and approved in writing. The refuse and recycling storage shall be fully implemented in accordance with and within 3 months of the approval of the details.</p> <p>REASON: In order to protect the amenity of the area.</p>
10	Boundary Treatment (Details)
	<p>CONDITION: Details of boundary treatment around the rear service yard shall be submitted to the Local Planning Authority within 3 months of the date of this decision and approved in writing. The details shall include all walls, fencing, gates, footings, their design, appearance and materials.</p> <p>The details shall indicate whether the boundary treatments form proposed, retained or altered boundary treatments.</p> <p>The boundary treatments shall be carried out within 3 months of the approval of the details and strictly in accordance with the details so approved, and shall be maintained as such thereafter.</p> <p>REASON: To ensure that the resulting boundary treatment(s) is functional, attractive and secure.</p>
11	Noise Prevention (Compliance)
	<p>When the main auditorium is in use all entry and exit doors to the premises shall be kept shut.</p> <p>REASON: In order to protect neighbouring residential amenity.</p>
12	CCTV/Lighting (Details)
	<p>CONDITION: Details of site-wide general security measures shall be submitted to the Local Planning Authority within 3 months of the date of this decision and approved in writing. The details shall relate to:</p> <p>a) CCTV; b) general lighting; and/or c) security lighting</p> <p>The details shall include the location and full specification of: all lamps; light levels/spill; cameras (detailing view paths); lamps and support structures. The general security measures shall be carried out strictly in accordance with the details so approved, shall be implemented within 3 months of the approval of the details and shall be maintained as such thereafter.</p> <p>REASON: To ensure that the any resulting general or security lighting and CCTV cameras are appropriately located, designed do not adversely impact neighbouring residential amenity and are appropriate to the overall design of the building.</p>

13	Green Travel Plan (Details)
	<p>CONDITION: A Green Travel Plan shall be submitted to the Local Planning Authority within 3 months of the date of this decision and approved in writing at the following times:</p> <p>The final travel plan shall include results of monitoring and travel surveys for the operation of the various approved uses of the site for the first six months as well as specific measures and targets for reducing the reliance on cars and encouraging visitors to use more sustainable modes of transport. The site shall be operated in accordance with the approved travel plan at all times.</p> <p>REASON: To promote sustainable modes of transport.</p>
14	External Noise (Compliance)
	<p>CONDITION: No music or amplified sound emanating from the premises shall be audible at 1 metre from the façade of the nearest noise sensitive premises.</p> <p>REASON: In the interest of protecting neighbouring residential amenity.</p>

List of Informatives:

1	Community Infrastructure Levy (CIL) (Granting Consent)
	<p>INFORMATIVE: Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the Mayor of London's Community Infrastructure Levy (CIL). This will be calculated in accordance with the Mayor of London's CIL Charging Schedule 2012. One of the development parties must now assume liability to pay CIL by submitting an Assumption of Liability Notice to the Council at cil@islington.gov.uk. The Council will then issue a Liability Notice setting out the amount of CIL that is payable.</p> <p>Failure to submit a valid Assumption of Liability Notice and Commencement Notice prior to commencement of the development may result in surcharges being imposed. The above forms can be found on the planning portal at: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil</p>
2	Car Free Development
	<p>INFORMATIVE: (Car-Free Development) All new developments are car free in accordance with Policy CS10 of the Islington Core Strategy 2011. This means that no parking provision will be allowed on site and occupiers will have no ability to obtain car parking permits, except for parking needed to meet the needs of disabled people, or other exemption under the Council Parking Policy Statement.</p>
3	Working in a Positive and Proactive Way
	<p>INFORMATIVE: To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which are available on the Council's website.</p> <p>A pre-application advice service is also offered and encouraged.</p> <p>The LPA and the applicant have worked positively and proactively in a collaborative manner through the application stages to deliver an acceptable development in accordance with the requirements of the NPPF</p> <p>The LPA delivered the decision in a timely manner in accordance with the requirements of the NPPF.</p>

APPENDIX 2: RELEVANT POLICIES

This appendix lists all relevant development plan policies and guidance notes pertinent to the determination of this planning application.

National Guidance

The National Planning Policy Framework 2012 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.

Development Plan

The Development Plan is comprised of the London Plan 2011, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The following policies of the Development Plan are considered relevant to this application:

A) The London Plan 2011 - Spatial Development Strategy for Greater London

1 Context and strategy

Policy 1.1 Delivering the strategic vision and objectives for London

2 London's places

Policy 2.5 Sub-regions
Policy 2.9 Inner-London
Policy 2.15 Town Centres

3 London's people

Policy 3.1 Ensuring equal life chances for all
Policy 3.2 Improving health and addressing health inequalities
Policy 3.16 Protection and Enhancement of social infrastructure

4 London's economy

Policy 4.1 Developing London's economy
Policy 4.6 Support for and enhancement of arts, culture, sport and entertainment provision
Policy 4.7 Retail and town centre development

5 London's response to climate change

Policy 5.2 Minimising carbon dioxide emissions

6 London's transport

Policy 6.3 Assessing effects of development on transport capacity
Policy 6.9 Cycling
Policy 6.11 Smoothing traffic flow and tackling congestion
Policy 6.13 Parking

7 London's living places and spaces

Policy 7.1 Building London's neighbourhoods and communities
Policy 7.2 An inclusive environment
Policy 7.3 Designing out crime
Policy 7.8 Heritage assets and archaeology
Policy 7.9 Heritage-led regeneration
Policy 7.15 Reducing noise and enhancing soundscapes

8 Implementation, monitoring and review

Policy 8.2 Planning obligations
Policy 8.3 Community infrastructure levy

B) Islington Core Strategy 2011

Spatial Strategy

CS5 (Angel and Upper Street)
CS8 (Enhancing Islington's Character)

Strategic Policies

CS9 (Protecting and Enhancing Islington's Built and Historic Environment)
CS14 (Retail and Services)
CS17 (Sports and Recreation Provision)

Infrastructure and Implementation

Policy CS18 (Delivery and Infrastructure)
Policy CS19 (Health Impact Assessments)

C) Development Management Policies June 2013

Design and Heritage

DM2.1 Design
DM2.2 Inclusive Design

Energy and Environmental Standards

DM7.1 Sustainable design and construction statements

DM2.3 Heritage

Shops, cultures and services

DM4.2 Entertainment and night-time economy

DM4.3 Location and concentration of uses

DM4.4 Promoting Islington's Town Centres

DM4.12 Social and strategic infrastructure and cultural facilities

DM7.4 Sustainable design standards

Transport

DM8.1 Movement hierarchy

DM8.2 Managing transport impacts

DM8.3 Public transport

DM8.4 Walking and cycling

DM8.5 Vehicle parking

DM8.6 Delivery and servicing for new developments

Site Allocations (2013):

Site AUS7 – 161-169 Essex Road – The allocation states that any future proposal should primarily retain assembly and leisure use (D2) and supporting functions. Some restaurant and café use may also be acceptable

Designations

The site has the following designations under the London Plan 2011, Islington Core Strategy 2011, Development Management Policies 2013 and Site Allocations 2013:

- Grade II* Listed Building
- Canonbury Conservation Area
- Site Allocation – AUS7
- Within 100 metres of strategic Road Network
- RS2 Rail Safeguarding Area

Supplementary Planning Guidance (SPG) / Document (SPD)

The following SPGs and/or SPDs are relevant:

Islington Local Plan

- Planning Obligations and S106
- Urban Design Guide
- Conservation Area Design Guide

London Plan

- Accessible London: Achieving and Inclusive Environment
- Sustainable Design & Construction
- Planning for Equality and Diversity in London