

London Borough of Bromley

Report
No.

PART ONE - PUBLIC

DRR/13/129

Decision Maker: PLANS SUB-COMMITTEE NO. 2

Date: Thursday 17 October 2013

Decision Type: Urgent Non-Urgent Executive Non-Executive Key Non-Key

Title: **KINGSWAY INTERNATIONAL CHRISTIAN CENTRE -
25 CHURCH ROAD, ANERLEY, SE19 2TE**

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Chief Officer: Chief Planner

Ward: Crystal Palace ;

1. Reason for report

Numerous complaints have been received regarding the alleged change of use of the premises, a former cinema and bingo hall. It is located within a Conservation Area on a busy main road within an area of mixed business and residential uses. Following the closure of the bingo hall the building was purchased by Kingsway International Christian Centre (KICC)

2. **RECOMMENDATION(S)**

That it would not be expedient to take enforcement action regarding an alleged material change of use but the use of the premises continue to be monitored to gain further evidence to assess whether a material change of use has occurred.

3. COMMENTARY

- 3.1 KICC purchased the premises comprising a former cinema and bingo hall in 2009. The building has been extensively refurbished and re-opened in August 2012. Several events have been held at the venue including an Open Day, a business seminar and a Watch Night Service on 31st December 2012. There have so far been two events in 2013.
- 3.2 The lawful use of the premises falls within Class D2 (Assembly and Leisure) which also includes use as a Concert Hall, Dance Hall and indoor recreation.
- 3.3 Following a meeting with representatives of KICC in August 2012, a notice requiring information under S330 of the Town and Country Planning Act 1990 was issued in November 2012 to determine whether a material change of use had occurred due to uncertainty concerning the use of the building and speculation about its future.
- 3.4 A response to the S330 Notice was received on 28th February 2013. KICC maintained that the premises would continue to be used in accordance with the lawful Class D2 use (Assembly and Leisure).
- 3.5 A Planning Contravention Notice was served on KICC in February 2013 requiring further information on the existing and proposed use of the site. KICC confirmed that the following events had taken place in 2012-13.
- (1) 11th August 2012, Open Day (for local community liaison).
 - (2) 25th August 2012 Grand Opening Ceremony
 - (3) 25th August 2012 International Business Convention (seminar)
 - (4) 17th November 2012 An evening for one (concert)
 - (5) 31st December 2012 New Year "Crossover" concert.
 - (6) 23rd February 2013 Breaking Educational Barriers. (conference)
- 3.6 In response to a question relating to the intended future use of the premises, the company secretary stated that any bookings taken would be for events which fall within the lawful D2 use and they would inform the Council of any future events.
- 3.7 The event on 23rd February 2012 took the form of an educational conference and was attended by a Planning Investigation officer. However it was confirmed that there was no evidence that the premises were being used for religious purposes.
- 3.8 A further event was held on 20th July 2013 advertised as "A Night of Joy". This was also attended by a Planning Investigation officer and a Planning Officer, who observed that there were approximately 200 people in attendance. There was no evidence of religious activities and it was concluded that the event fell within the lawful use.
- 3.9 There have been no known further events since July 2013 and no future events have been publicised.
- 3.10 In conclusion the current use of the premises is clearly of a different character to the former use as a cinema and bingo hall. However the lawful Class D2 Use (Assembly and Leisure) includes other related leisure uses such as music and concert hall, dance hall, sports hall, gymnasium, indoor sports and leisure, Use as a place of worship or church hall would fall within Class D1

(Non Residential Institution) and a material change of use from D2 to D1 would require permission.

3.11 What amounts to a 'material' change of use is a matter of fact and degree but having regard to the low level of use, the infrequency of the events and the nature of the activities taking place there is considered to be insufficient evidence that a material change of use from D2 to D1 has occurred. Some of the events which have taken place have involved activities which fall outside Class D2 – for example the business seminar and the education conference – but the use of the premises for holding two isolated events over a period of 12 months does not amount to a material change of use. There have been only 2 events held during the first 9 months of 2013 representing an extremely low level of use.

3.12 It is proposed to continue monitoring the use to ensure that the activities continue to fall within Class D2.

Non-Applicable Sections:	Corporate Policy, Financial, Staff, Legal, Customer Impact, Ward Councillors Views Policy Implications, Financial Implications, Legal Implications, Personnel Implications
Background Documents: (Access via Contact Officer)	n/a