

Protecting theatres for everyone



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Planning Policy Consultation Team
Ministry of Housing, Communities and Local Government
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Draft revised National Planning Policy Framework

Dear Sirs,

I write with regards to the above consultation.

About the Theatres Trust:

The Theatres Trust is the National Advisory Body for Theatres. We were established by The Theatres Trust Act 1976 'to promote the better protection of theatres'. Our 15 trustees are appointed by the Secretary of State for Culture, Media and Sport.

The Theatres Trust is a statutory consultee in the planning system. We provide statutory planning advice on theatre buildings and theatre use in England through The Town and Country Planning (Development Management Procedure) (England) Order 2015, requiring the Trust to be consulted by local authorities on planning applications which include 'development involving any land on which there is a theatre'. The Act defines a theatre as any building or part of a building constructed or used for the public performance of plays, and therefore applies to theatres, playhouses, arts centres, ciné-varieties or buildings converted for theatre use, old and new, in other uses or disused. Theatres are *sui-generis* and are therefore considered separately to D2 uses.

The Trust is also involved in the preparation of Local Plans and other policy documents, and encourages the inclusion of local policies that support cultural facilities and cultural wellbeing. We identify Theatre Buildings at Risk and provide advice and assistance to empower owners and community groups to purchase, restore and/ or reuse theatre buildings to create opportunities for local cultural participation, to find sustainable new uses, and to use culture as a catalyst for wider regeneration in their communities.

We are often the only source of expert advice on theatre use, design, conservation, and planning matters available to theatre operators, local authorities and official bodies. Whilst our

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main objective is to safeguard and promote theatre use, or the potential for such use, we also seek to provide impartial expert advice to establish the most viable and effective solutions for proposed, existing and former theatre buildings at the earliest possible stages of development.

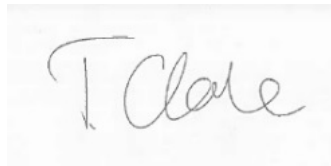
Response:

The Trust welcomes the opportunity to provide comments on the Draft revised National Planning Policy Framework, and a completed consultation response form is enclosed.

The Trust believes the planning system should facilitate development and change in a way that promotes and engenders culture. While we recognise the importance of regeneration and the delivery of housing, this should not come at the expense of the country's diverse cultural facilities including theatres and this review provides an opportunity to re-emphasise the role of culture within sustainable development, and ensure the planning system maximises the benefits of cultural activity to social well-being, local economies, and sustainable communities.

The Trust has significant experience of matters related to theatres and other arts and cultural uses and would welcome the opportunity to provide our assistance should it be required, for example with the drafting of policy and legislation related to culture. We would also welcome further discussion on this representation. We otherwise look forward to being updated on the NPPF and future Planning and culture-related legislation and policy as it is developed.

Please contact us if we may be of further assistance.

A handwritten signature in black ink that reads "T Clarke". The signature is written in a cursive, slightly slanted style.

Tom Clarke
National Planning Adviser

Please note: This response is an adaption due to the original being submitted within an electronic form.

Chapter 1 Introduction

Q1 Do you have any comments on the text of Chapter 1?

In referring to the application of the Government's planning policies for England paragraph 1 states "should be" rather than "are expected to be" as appeared in the 2012 version. This could be considered a slight weakening of the NPPF by virtue of suggesting increased flexibility as to whether regard ought to be paid to it. This to some extent then conflicts with paragraph 2 which states the NPPF "must be taken into account". For consistency and to reduce scope for ambiguity we suggest the original 2012 wording is retained. This is because the NPPF provides a valuable policy tool where development plan policies are silent or insufficient; also see our response to Question 2. Therefore, any implied weakening of the regard to be paid to the NPPF by decision-makers could limit their scope to refuse development that undermines the NPPF's objectives of achieving sustainable development, and in turn strengthen the position of applicants. The general objective of Government to facilitate development, particularly increased delivery of housing, is understood. The NPPF itself recognises that should not override other considerations. We suggest the revision we have put forward would more robustly deliver sustainable development.

Chapter 2 Achieving sustainable development

Q2 Do you agree with the changes to the sustainable development objectives and the presumption in favour of sustainable development?

In principle we support these proposed changes. The use of 'objective' rather than 'role' could be considered a stronger noun with which to achieve sustainable development through the planning system and to ensure the NPPF is proactive in influencing development decisions and the content of plans. We welcome that provision of accessible services to support the social and cultural well-being of communities continues to form an explicit element of sustainable development through its social objective.

Furthermore, we believe the revision of the presumption in favour of sustainable development is overall a positive one. In particular, that for decision-taking the presumption now refers to an "up to date" plan which should ensure inappropriate development does not occur as a result of conformity with an out-dated plan that fails to adequately reflect the NPPF or meet the current needs of its area. This is supported by the continued direction that where development plan policies are silent or out-of-date the NPPF provides a basis on which to refuse proposals if they fail to protect assets of importance or adverse impacts would outweigh benefits when assessed against NPPF policies. From the Trust's perspective this will continue to provide significant weight to the protection of cultural facilities such as theatres, as from our experience reference to and protection of cultural assets within development plans is mixed and a number of buildings on our 'Theatres at Risk' register are in locations without up-to-date plans. The continued presence of social and cultural well-being within the NPPF's social objective provides a compelling basis by which to argue for greater recognition and

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protection of cultural venues at a local level within development plans.

Q3 Do you agree that the core principles section should be deleted, given its content has been retained and moved to other appropriate parts of the Framework?

The Trust supports the deletion of the core principles as to some extent it provided repetition of content elsewhere within the framework. In terms of our remit to support the arts and culture within the planning system, specifically theatres, we welcome that reference to improving “health, social and cultural wellbeing for all” and to “deliver sufficient community and cultural facilities and services to meet local needs” within the old paragraph 17 has been retained with slight revision within a new paragraph 93.

Q4 Do you have any other comments on the text of Chapter 2, including the approach to providing additional certainty for neighbourhood plans in some circumstances?

The Trust broadly supports the revision of content related to neighbourhood plans, in particular that greater certainty is provided for recent neighbourhood plans where within the wider local authority boundary there is an inability to meet a five year supply of housing. As a general comment, the emphasis of neighbourhood plans as visionary documents for their areas appears to have been diluted within this draft so perhaps support for a vision to underpin neighbourhood-level policies to shape and direct development could be outlined within paragraph 13.

We would also suggest some revision to paragraph 13; it states that neighbourhood plans should “support the delivery of strategic policies contained in local plans or spatial development strategies”. In principle this is acceptable, but there may be cases where the strategic policies of the local plan or spatial development strategy do not adequately address the breadth of strategic policies set out in paragraph 20. For example, cultural infrastructure is provided as an example under community facilities (part e) rather than an absolute requirement. There may be scenarios in which a neighbourhood plan, particularly where the Neighbourhood Plan may cover a larger area such as is the case with some town councils, may seek a strategic policy of its own or to be more visionary in dealing with matters not covered by the relevant Local Plan. An example could be to seek to retain or expand cultural provision, supplementing rather than conflicting with the local plan/spatial development strategy. Therefore paragraph 13 might be amended as follows:

“Neighbourhood plans should support the delivery of strategic policies contained in local plans or spatial development strategies, and set their own strategic or site-specific policies where they identify a need not covered within local plans or spatial development strategies;”

Chapter 3 Plan-making

Q5 Do you agree with the further changes proposed to the tests of soundness, and to the other changes of policy in this chapter that have not already been consulted on?

In principle the Trust agrees with changes within this policy that have not already been consulted on and further changes to the tests of soundness. We welcome that cultural infrastructure has been recognised as a facet of ‘community facilities’, for which strategic policies and site allocations are required. This should elevate the need to plan

for the cultural needs of local communities as a priority within plan-making, hopefully reducing the current imbalance of support and protection of cultural provision between local authorities. We would also recommend that paragraph 20 is amended as follows to ensure the considerations outlined are properly addressed:

“each local planning authority ~~should~~ must include those policies...”

Should this change be enacted, our previous comments (under Question 4) regarding the ability of Neighbourhood Plans to introduce their own strategic policies where the relevant Local Plan is silent would become obsolete.

Q6 Do you have any other comments on the text of Chapter 3?

We would recommend a revision to part e of paragraph 20 to remove reference to “such as”. The current wording could be construed as implying health, education and cultural infrastructure are optional in terms of formulating strategic policies, whereas parts a-d and f are more definitive. It also seems remiss that sport and recreational infrastructure is omitted as an element of strategic policy, given its positive impact on health and wellbeing. Paragraph 20.e might be amended as follows:

“community, cultural, educational, health, recreational and sports infrastructure”

Within paragraph 27 we would suggest an amendment to refer to statutory consultees within the context of engagement with “relevant bodies” as is the case with paragraph 41 (decision making). While some bodies are only statutory consultees in decision making, they nonetheless have expertise on particular matters that would benefit the quality of content within plans. For example, the NPPF already sets out the need to plan for cultural infrastructure and the Trust can help advise on policy development on that topic. We would also suggest that consideration should be given to increasing the range of statutory consultees within plan making to reflect other areas of the planning system.

We would also suggest that for consistency and to further emphasise the importance of cultural provision there should be amendment to paragraph 34 to include ‘cultural’ as follows:

“This should include setting out the levels and types of affordable housing provision required, along with other infrastructure (such as that needed for education, health, transport, cultural, green and digital infrastructure).

Chapter 4 Decision-making

Q7 The revised draft Framework expects all viability assessments to be made publicly available. Are there any circumstances where this would be problematic?

The Trust supports this proposal, as it would ensure greater transparency of decision-making and allow for increased scrutiny of submitted figures to improve the quality of advice consultees such as the Trust can provide.

Q8 Would it be helpful for national planning guidance to go further and set out the circumstances in which viability assessment to accompany planning applications would be acceptable?

We would advocate the publication of viability assessments on all proposals that fail to accord with requirements within the relevant plan or address necessary mitigation, such

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as failing to provide sufficient affordable housing or new or improved infrastructure.

Q9 What would be the benefits of going further and mandating the use of review mechanisms to capture increases in the value of a large or multi-phased development?
N/A

Q10 Do you have any comments on the text of Chapter 4?

Paragraph 41 discusses the encouragement of pre-application advice and engaging the local community and statutory and non-statutory consultees before submitting applications. The Trust would advocate the NPPF going further to require that statutory consultees are notified as part of pre-application discussions unless the applicant actively opts out, and that engagement with non-statutory consultees who are expert bodies in their field is encouraged. This would better meet the objectives of paragraph 43. As well as reducing delays and costs as part of the application process, the overall quality of the design and function of development would be enhanced through the provision of expert advice. This response should also be considered alongside our response to paragraph 27.

Chapter 5 Delivering a wide choice of high quality homes

Q11 What are your views on the most appropriate combination of policy requirements to ensure that a suitable proportion of land for homes comes forward as small or medium sized sites?
N/A

Q12 Do you agree with the application of the presumption in favour of sustainable development where delivery is below 75% of the housing required from 2020?
N/A

Q13 Do you agree with the new policy on exception sites for entry-level homes?
N/A

Q14 Do you have any other comments on the text of Chapter 5?
N/A

Chapter 6 Building a strong, competitive economy

Q15 Do you agree with the policy changes on supporting business growth and productivity, including the approach to accommodating local business and community needs in rural areas?

The Trust welcomes the retention of the old paragraph 28 within the new paragraph 84, supporting the retention and development of accessible local services and community facilities such as meeting places, cultural buildings and public houses. Such facilities provide opportunities for local people to engage in the arts and cultural activities to improve cultural wellbeing, helping to attract and retain the local workforce necessary to

sustain the rural economy.

We would suggest that “cultural buildings” (part d.) is revised to either “cultural facilities” or “cultural infrastructure” for consistency, as at present the terms are used interchangeably throughout the document. We would also suggest a definition of cultural facilities/infrastructure is provided within the Glossary.

Q16 Do you have any other comments on the text of chapter 6?

N/A

Chapter 7 Ensuring the vitality of town centres

Q17 Do you agree with the policy changes on planning for identified retail needs and considering planning applications for town centre uses?

The Trust supports the proposed policy changes on planning for identified retail needs and considering planning applications for town centre uses. We would suggest though that the NPPF might be more explicit in promoting cultural uses as a need to be met (paragraph 86 part d) as is the case with the current paragraph 23, given the positive role that facilities such as theatres have in attracting people to their town centres and creating an environment for existing businesses to thrive and new ones to move in. Although they fall within main town centre uses as defined within the Glossary, we feel that reference to cultural facilities should be made more explicit. This is especially the case in the context of “cultural buildings” being referenced within paragraph 84 under ‘Supporting a prosperous rural economy’ as such uses are even more prevalent within town centres and is often where plans direct them to. Part d. of paragraph 86 could be amended as follows:

“Meeting needs for retail, leisure, cultural, office and other main town centre uses over this period...”

Q18 Do you have any other comments on the text of Chapter 7?

N/A

Chapter 8 Promoting healthy and safe communities

Q19 Do you have any comments on the new policies in Chapter 8 that have not already been consulted on?

The Trust welcomes the retention of the need to plan positively for social, recreational and cultural facilities, along with the addition of part b of paragraph 93 which had formed part of the old paragraph 17.

Q20 Do you have any other comments the text of Chapter 8?

The Trust supports reference to “social interaction” within paragraph 92(a.) and cultural facilities such as theatres have a key role to play in providing opportunities for such interaction. For clarity and consistency with other paragraphs of the document we suggest that the provision of cultural infrastructure should be added to part e. of paragraph 93.

We welcome direct reference to theatres within footnote 32 and will be keen to assist

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planning authorities and applicants on planning and designing to support public safety and security.

Chapter 9 Promoting sustainable transport

Q21 Do you agree with the changes to the transport chapter that point to the way that all aspects of transport should be considered, both in planning for transport and assessing transport impacts?

N/A

Q22 Do you agree with the policy change that recognises the importance of general aviation facilities?

N/A

Q23 Do you have any other comments on the text of Chapter 9?

While the Trust is broadly supportive of this chapter and in particular promoting walking, cycling and public transport, we have come across examples of proposed pedestrianisation schemes that could impact the operation of theatres by making access for deliveries, servicing and production vehicles more problematic. We would therefore suggest additional text within paragraph 105 which requires engagement with local stakeholders alongside the local highways authorities, transport infrastructure providers and neighbouring councils referenced.

Chapter 10 Supporting high quality communications

Q24 Do you have any comments on the text of Chapter 10?

N/A

Chapter 11 Making effective use of land

Q25 Do you agree with the proposed approaches to under-utilised land, reallocating land for other uses and making it easier to convert land which is in existing use?

In general the Trust supports these approaches, but we have some concern that there is scope for landowners to manipulate part d of paragraph 118 and paragraph 120 to exaggerate unviability and undermine valued facilities such as theatres where they are vacant but could realistically be brought back to active use for community benefit.

Rather than “under-utilised”, we suggest that “redundant” might be more appropriate, as it gives planning authorities greater scope to refuse applications where the applicant cannot robustly demonstrate unviability and/or there has not been a genuine or concerted effort to operate the site for its permitted purpose.

We object to part e. of paragraph 118 as we are concerned that inappropriate residential development could come forward alongside theatres and other noise-generating cultural uses which could undermine them, and therefore this paragraph as drafted is not compatible with paragraph 180 (‘Agent of Change’). If this principle is to be taken forward, we would suggest an addition as follows:

“can maintain safe access and egress for occupiers....and is compatible with nearby land uses”.

We have significant concerns regarding the weight afforded to change of use within paragraph 121, particularly within areas of high housing demand. We are concerned this could undermine other paragraphs within the NPPF in particular the objectives of sustainable development, as cultural facilities are seldom allocated within plans. Part a. could also be used to undermine the vitality and function of town centres more broadly and areas of employment activity. We suggest this paragraph should either be removed in its entirety, or amended to emphasise that a positive approach to alternative use should only be taken where the authority is satisfied the existing use is no longer required.

Q26 Do you agree with the proposed approach to employing minimum density standards where there is a shortage of land for meeting identified housing needs?
N/A

Q27 Do you have any other comments on the text of Chapter 11?
N/A

Chapter 12 Achieving well-designed places

Q28 Do you have any comments on the changes of policy in Chapter 12 that have not already been consulted on?
N/A

Q29 Do you have any other comments on the text of Chapter 12?
N/A

Chapter 13 Protecting the Green Belt

Q30 Do you agree with the proposed changes to enable greater use of brownfield land for housing in the Green Belt, and to provide for the other forms of development that are 'not inappropriate' in the Green Belt?
N/A

Q31 Do you have any other comments on the text of Chapter 13?
N/A

Chapter 14 Meeting the challenge of climate change, flooding and coastal change

Q32 Do you have any comments on the text of Chapter 14?
N/A

Q33 Does paragraph 149b need any further amendment to reflect the ambitions in the Clean Growth Strategy to reduce emissions from buildings?
N/A

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Chapter 15 Conserving and enhancing the natural environment

Q34 Do you agree with the approach to clarifying and strengthening protection for areas of particular environmental importance in the context of the 25 Year Environment Plan and national infrastructure requirements, including the level of protection for ancient woodland and aged or veteran trees?

N/A

Q35 Do you have any other comments on the text of Chapter 15?

The Trust strongly supports and welcomes the introduction of the Agent of Change principle into the NPPF, which will have a positive impact in ensuring threats to existing cultural assets from neighbouring development will be more considered more consistently across England. However, we consider that paragraph 180 sits awkwardly within Chapter 15. As it involves mitigation and design considerations, we suggest it would be more appropriate to relocate paragraph 180 into Chapter 12. We would also suggest that it references cultural facilities more generally rather than just the uses mentioned. Theatres for example have also been impacted by neighbouring development and continue to be vulnerable, and the reason there have not been any high profile closures to date has been because of the proactive role taken by the Trust in advising planning authorities over the last few years. There have for example been cases of neighbouring developments to which the Trust has strongly objected refused, with appeals dismissed by Inspectors. It is important to consider that for theatres noise generation doesn't just arise from performances but from deliveries and servicing in particular the transportation of sets and equipment. Where theatres host touring productions and performers such as comedians or musicians that require immediate transportation to subsequent shows elsewhere around the country, restrictions would impact on the theatre's ability to attract such acts and in turn impact their viability.

Chapter 16 Conserving and enhancing the historic environment

Q36 Do you have any comments on the text of Chapter 16?

The Trust is supportive of the content of Chapter 16.

Chapter 17 Facilitating the sustainable use of minerals

Q37 Do you have any comments on the changes of policy in Chapter 17, or on any other aspects of the text of this chapter?

N/A

Q38 Do you think that planning policy on minerals would be better contained in a separate document?

N/A

Q39 Do you have any views on the utility of national and sub-national guidelines on

future aggregates provision?
N/A

Transitional arrangements and consequential changes

Q40 Do you agree with the proposed transitional arrangements?

We support the proposed transitional arrangement on the basis it will expedite considerations such as the Agent of Change principle into force as a material consideration in planning decisions, and give greater certainty to those involved with the planning system.

Q41 Do you think that any changes should be made to the Planning Policy for Traveller Sites as a result of the proposed changes to the Framework set out in this document? If so, what changes should be made?

N/A

Q42 Do you think that any changes should be made to the Planning Policy for Waste as a result of the proposed changes to the Framework set out in this document? If so, what changes should be made?

N/A

Glossary

Q43 Do you have any comments on the glossary?

The Trust welcomes continued reference to theatres and other cultural facilities as main town centre uses, though we would reiterate an earlier point that we would welcome a separate definition of cultural facilities.

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