

Protecting theatres for **everyone**



Ref.: TC/807

15 February 2019

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Pending Applications
Development Planning
City of Westminster
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Applications: 19/00248/FULL & 19/00249/LBC

Site: Novello Theatre 5 Aldwych London WC2B 4LD

Proposal: Use of the third and fourth floor to residential (C3 Use). Internal and external alterations to create a single residential dwelling including a new staircase, external lift shaft and creation of a roof terrace. Alterations to the stairwell and ground floor commercial unit (A3 Use) including new shopfront. (Linked with 19/00249/LBC)

Remit:

The Theatres Trust is the national advisory public body for theatres. We were established through the Theatres Trust Act 1976 'to promote the better protection of theatres' and 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'.

Comment:

Thank you for consulting the Theatres Trust on the above application.

Although the site address is the Novello Theatre, the proposal relates to a part of the building known as Waldorf Chambers which functions and is accessed independently. Therefore it is in effect a neighbouring development; it is currently in B1(a) office use with a café (A3) below which is to be retained. Both parts of Waldorf Chambers are vacant. The former occupants of the offices were Delfont Mackintosh Group who are also the theatre's owner and operator, but they have since merged back office functions into new premises elsewhere. This proposal seeks to convert the upper two levels of Waldorf Chambers to residential use for the theatre's owner.

The Trust's general position is that we caution against such development as theatre and

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Chair Tim Eyles **Director** Jon Morgan

Trustees Richard Baldwin, David Blyth, Pam Bone, Paul Cartwright, Paddy Dillon, Ruth Eastwood, David Ian, Richard Johnston, Gary Kemp, Dara Ó Briain, Simon Ricketts, Peter Roberts, Ann Skippers, Anna Stapleton

The National Advisory Public Body for Theatres

The Theatres Trust Charitable Fund co-operates with Theatres Trust, has the same Trustees and is registered as a charity under number 274697

residential uses are not necessarily compatible because noise and vibrations from theatres can affect the amenity and living conditions of residents. In turn, there is a risk that noise-related complaints can lead to detrimental restrictions on the ability of theatres to operate, compromising their existence as valued cultural facilities. This principle also applies to other noise-generating cultural and leisure uses, and necessitated additional policy protection now afforded by paragraph 182 of the NPPF (2018) and further reflected within emerging Policy D12 of the draft London Plan (2018) and draft policy 7 of the draft Westminster City Plan 2019-40 (2018).

The acoustic report accompanying the application identifies some low-level acoustic breakout although we acknowledge that noise levels from passing traffic are greater. Further to this, there may be some risk of noise transfer from the proposed dwelling impacting on performances.

We note however that actions to mitigate this risk have been put forward such as minor alterations within the auditorium and works to further reduce the transfer of noise. We understand that further work is being undertaken by the applicant regarding acoustics, and we would amend our advice accordingly upon submission of relevant information. We also acknowledge the space was historically in residential use and has cultural significance as the home in which renowned actor and composer Ivor Novello lived and died. This is marked and commemorated by a blue plaque affixed to the Aldwych elevation.

Notwithstanding the above, our priority is to ensure the ongoing protection and operation of the theatre. The importance of Westminster's theatres to the local and wider London and national economy is recognised within the City Plan (2016). Policy S22 protects existing arts and cultural uses, a position maintained within the draft City Plan. Paragraph 92 of the NPPF seeks decisions to plan positively for cultural buildings and to guard against the unnecessary loss of facilities. Information submitted with the application clearly states the unit is being converted into a home for the current owner of the Novello theatre but the goodwill towards the theatre we would assume from the potential occupant will not necessarily stand in the future should either property change hands.

In order for us to support this proposal and satisfy policy considerations related to protecting the theatre as a cultural asset, there would need to be legal agreements and measures in place to extinguish the right of occupants to make formal complaints on the basis of noise and disturbance from the theatre. In terms of planning considerations specifically, we suggest a Section 106 agreement is entered into which would secure the mitigations put forward within supporting documentation. Separately, we recommend evidence of a legal agreement being in place which removes the ability for owners and residents to raise complaints regarding the theatre, perhaps through a restrictive covenant. We consider that such a condition would meet the six tests set out within paragraph 6 of the Government's guidance on the use of planning conditions (2018) and paragraph 55 of the NPPF and to make it enforceable any change in ownership must be notified to the Council.

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We recommend that such conditions or agreements are presented to the Trust for further comment, at which point we would amend our advice accordingly. We would welcome further engagement with the applicant and the Council on this matter.

Please contact the Trust if you wish to discuss this representation in more detail.

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National Planning Adviser

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