



Promoting theatres within planning

Summary

This advice note explores how theatres, along with other arts and cultural venues, should be promoted, protected and supported through local planning policy for the benefit of local people and the strength and sustainability of communities. This is one of a series of advice notes – others covering how to assess planning applications which include theatres, theatres within infrastructure planning and Section 106 agreements, the ‘Agent of Change’ principle and theatres within Neighbourhood Plans will be added to our website at theatrust.org.uk/how-we-help/advice/advice-notes over the coming months.

Who is this note for?

This advice note is aimed at planners, particularly working within local authorities and with responsibility for producing planning policy documents. It is also useful to planners and other professionals working within development management, regeneration and cultural development teams.

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Benefits of theatres

Theatres, along with other cultural venues, provide immense benefits to the areas in which they are located. Their significance and the need to protect them for their unique role and function has been a long-standing principle within the planning system. Theatres are defined as sui generis within the use classes of England, Scotland and Wales and are therefore exempt from any forms of 'automatic' or permitted changes of use.

Theatres are eligible for nomination and designation as Assets of Community Value. Many committed and prominent local groups and campaigners who engage with the planning system either running, seeking to run or seeking to retain theatres and theatre buildings to put forward a nomination for a theatre to become an Asset of Community Value.

Theatres are a central element of sustainable communities, and supporting and protecting them contributes towards the vision and core objectives set out within local plans.

Benefits of theatres include:

- Improving quality of life – Theatres help people to come together, provide access to cultural activities and performance, develop skills, enable opportunities for participation and volunteering, reduce isolation and improve health and well-being
- Improving the economy – Theatres and their audiences support a number of businesses, provide employment opportunities both directly and indirectly, nurture and develop talent, and attract and retain people within the local area. Many are utilised for private events, conferences and other meetings where they might be the only suitable facility in the local area
- Improving places – Theatres contribute towards the vibrancy of town centres and their surroundings, help to reduce rates of vacancy, attract visitors, increase footfall, and provide activity at different times of day and night. Many theatres are heritage assets, which are significant contributors to local character and townscape, and are buildings with which local people have strong attachment and connections.

Once theatre buildings have been lost, particularly larger ones, it is very challenging and costly to replace them. This is because they require large parcels of land, and generally also need large volumes of space in order to incorporate sufficient seating, sets and machinery. This is a reason why theatre sites can be attractive to developers, especially as the value of land for alternative use (particularly housing) often exceeds the value of theatres as a going concern like other community and cultural uses.

It is vital that when decision makers are faced with applications which would result in the loss of a theatre or theatre building, or which would remove any prospect of future performance use returning, they are assured that the building is genuinely surplus to requirements. To help them make an effective assessment, they need robust policies to be in place with clear criteria by which applicants must conform.

Theatres can also be threatened by neighbouring development, particularly where it will introduce new residential uses to an area. These challenges have more commonly been associated with music venues, nightclubs and pubs but there have also been instances of restrictions being placed on theatres. Other potential cases have been avoided because with the Trust's long-standing role and experience as a statutory consultee within the planning system we have been able to work with local authorities to support them in refusing applications and defending those decisions at appeal. More recent commitments and revisions at a national level by introducing the 'Agent of Change' principle into policy and legislation are addressing this challenge.

Therefore there are compelling reasons for supporting theatres (and other cultural venues), encouraging new facilities and protecting those which already exist (whether currently used as a theatre or not) from unnecessary loss or harm through planning policy. Moreover, national planning policy within England, Northern Ireland, Scotland and Wales provides a framework and encouragement for such policies at a local level with the key parts set out below.

National planning policy

England

The [National Planning Policy Framework \(NPPF\) \(February 2019\)](#) sets three overarching objectives in achieving sustainable development – economic, social and environmental. The social objective sets out the following:

“to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being;”

Paragraph 20 seeks plans to include strategic policies for their areas that support community facilities including cultural infrastructure. At a high level this can be general articulation of support for cultural facilities, but we would also encourage authorities to use strategic policies to outline needs for new facilities to meet local demand and/or identify opportunities to enhance and expand existing facilities:

“Strategic policies should set out an overall strategy for the pattern, scale and quality of development, and make sufficient provision for:

c) community facilities (such as health, education and cultural infrastructure);”

Paragraph 92 is influential in helping to protect theatres at risk from loss or harm, and provides a useful basis for objecting to proposals where local policies are insufficient:

“To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;

b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;

c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community’s ability to meet its day-to-day needs;

Paragraph 192 introduces the ‘Agent of Change’ principle into English planning policy, which puts the onus on new development to mitigate its impact on existing uses. This helps protect theatres from neighbouring development, particularly residential, which could result in noise conflicts leading to restrictions on theatre’s activities:

“Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or ‘agent of change’) should be required to provide suitable mitigation before the development has been completed.

[More information on the Agent of Change principle is available in a separate advice note.](#)

Northern Ireland

Paragraph 6.271 of the [Strategic Planning Policy Statement for Northern Ireland \(SPSS\)](#) seeks to

“protect and enhance diversity in the range of town centre uses appropriate to their role and function, such as leisure, cultural and community facilities”.

The [Regional Development Strategy](#) offers no national policy for cultural uses but Policy SFG3 seeks to

“Develop the City of Belfast as Northern Ireland’s cultural and arts centre”

Additionally appraisals of other major towns and cities cite more local arts and cultural offers.

Scotland

Paragraph 60 of [Scottish Planning Policy](#) supports cultural facilities but only within the context of town centre development:

“Planning for town centres should be flexible and proactive, enabling a wide range of uses which bring people into town centres. The planning system should: apply a town centre first policy when planning for uses which attract significant numbers of people, including retail and commercial leisure, offices, community and cultural facilities”.

Scotland’s Third National Planning Framework has no specific policies for cultural uses but references the arts and cultural offer within Edinburgh and Perth and cites Scotland’s cities as being cultural hubs.

14F of The Planning (Scotland) Bill, which passed on 21 June 2019, introduced the Agent of Change principle into law by amending section 41 of The Town and Country Planning (Scotland) Act 1997 as follows:

- (1) A development that is the subject of an application for planning permission is a “noise-sensitive development” if residents or occupiers of the development are likely to be affected by significant noise from existing activity in the vicinity of the development (a “noise source”).
- (2) Without prejudice to the generality of section 41(1), a planning authority— (a) must, when considering under section 37 whether to grant planning permission for a noise-sensitive development subject to conditions, take particular account of whether the development includes sufficient measures to mitigate, minimise or manage the effect of noise between the development and any existing cultural venues or facilities (including in particular, but not

limited to, live music venues), or dwellings or businesses in the vicinity of the development, and

(b) may not, as a condition of granting planning permission for a noise sensitive development, impose on a noise source additional costs relating to acoustic design measures to mitigate, minimise or manage the effects of noise”.

Although this relates to planning decisions, by extension it would be beneficial for authorities to set out appropriate guidance within planning policies.

Wales

[Planning Policy Wales](#) describes sustainable development as

“the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the well-being goals”

referring to the [Well-being of Future Generations \(Wales\) Act](#). The Act is influential in policy and decisions within Wales (not just within planning but all parts of Government), and includes planning decisions ensuring cultural issues are balanced and integrated and that development contributes to social and cultural wellbeing. There are numerous references to culture throughout the document, such as in promoting good placemaking.

Local planning policies

Within local plans there are a number of opportunities to support and protect theatres. This will help to address the benefits of, and challenges faced by theatres and ensure that national policy and guidance is applied at the local level for greatest effectiveness.

Typical opportunities to incorporate theatres and other cultural facilities into plans with examples of good practice are set out below:

Vision

By its nature, the vision is a high level statement of intent but this affords an opportunity to make culture a central pillar of the plan

Example Vision (Preston Local Plan 2012-26, adopted 2015)

It (Preston) will have become a transformed city, recognised as an alternative to Manchester and Liverpool for high quality retail, cultural, entertainment, business and higher education.

Strategic objectives/principles

The plan’s objectives offer an opportunity to start drawing out how cultural provision will underpin the plan, and why it is important.

Example strategic objective (Leeds Core Strategy, 2014)

Leeds City Centre will remain a successful destination for the people of Leeds and beyond, with a vibrant commercial, leisure and cultural offer.

Strategic policies

If the plan contains strategic policies because it is not entirely concerned with the allocation of sites, it should contain a strategic policy referencing cultural provision (within England if for no reason other than to reflect the NPPF's requirement in paragraph 20).

Example strategic policy (SP15: Culture And Leisure – Haringey's Local Plan Strategic Policies 2013-2026, 2017)

The Council will safeguard and foster the borough's cultural heritage and promote cultural industries and activities through:

1. Protecting the established Cultural Quarter at Wood Green and the development of further cultural quarters, where appropriate, through Area Action Plans.
2. Supporting the provision of new work spaces and social and cultural venues in all areas of the borough that support all formal and informal cultural and leisure activities;
3. Protecting and enhancing, where feasible, existing cultural facilities and access to cultural heritage throughout the borough.

Detailed policies

1. Protection

This is where the plan can really make a difference in protecting theatres alongside other cultural facilities, particularly where development comes forward that proposes loss or change of use.

We would strongly encourage policy to robustly test proposals which result in the loss of theatres and other cultural facilities. This is in any case required by national policy (in England) and in Welsh legislation as proposals should demonstrate how they contribute to well-being. Once facilities have been lost, it is difficult and costly to replace them at a later date.

Within the supporting text for such policies we strongly recommend that authorities make explicit reference to theatres, and especially that the policy includes sui generis use. We often respond to consultations highlighting that proposed policies make reference only to formal use classes such as D1 and D2; technically this could leave theatres and other sui generis mixed-use community and cultural facilities inadvertently unprotected by the policy.

Example detailed / development management policy

Protection of existing community facilities

P43: Leisure, arts and culture (New Southwark Plan, 2017)

1.2 Existing leisure, arts and cultural uses are retained or re-provided unless they are surplus to requirements. In exceptional circumstances, this needs to be demonstrated by a marketing exercise for two years, immediately prior to any planning application, for both its existing condition and as an opportunity for improved leisure, arts or cultural space. The registration or nomination of leisure, art and cultural uses as Assets of Community Value will be treated as a significant material consideration

There is a need for robust evidence because it is otherwise possible for applicants to undermine facilities by not marketing them within the local area and to likely prospective operators, or by overpricing facilities beyond a realistic market rate.

Should it be apparent that there is no need for a facility in its existing or intended use, we recommend exploring opportunities for re-use as alternative community and cultural facilities. Demolition or harmful alteration which prevents future re-use as a community or cultural facility should very much be seen as a last resort.

We encourage design policies within local plans to incorporate the 'Agent of Change' principle to give it further weight in decision making, particularly as this has now entered into legislation or policy within England and Scotland. Similarly, town centre policies afford an opportunity to reinforce the importance of cultural facilities, including theatres, in supporting the vitality of town centres. In particular, this could include welcoming proposals for temporary cultural use which activates vacant units or sites.

Policies on heritage provide a further opportunity to refer to particular theatres or theatre matters. In the example below, reference has been made to the Theatres Trust's Theatres at Risk list which contains a number of heritage assets. These are often iconic and well-loved buildings within their local areas that are in need of repair, maintenance or even full restoration. Local plans should play a role in facilitating a positive future for these buildings.

2. Promotion

Detailed policies can help guide the location and development of new cultural buildings and change of use to cultural uses. Typically this will be most relevant within town centre policies, although there will also be merit in supporting new facilities elsewhere. This applies particularly to more rural authorities or where the proposed facility will be a community-scale venue for local groups.

Cultural facilities play a role in activating spaces and encouraging other businesses to co-locate. Particularly in areas which face challenges in terms of town centre vacancy or where there are large-scale regeneration opportunities, there are tremendous advantages in encouraging cultural uses to improve vibrancy and help halt further decline.

3. Re-provision and new theatres

There will be occasions where replacement of an existing theatre is the optimal outcome, for example due to constraints with the existing site, because expansion is required or because the site forms part of a wider regeneration area.

For example, in Tunbridge Wells a new 1,200 seat theatre has been permitted as part of the town's new Civic Centre development. The existing Assembly Rooms was unable to facilitate certain types of shows. Sometimes new theatres will be proposed, which might be of a significant scale. Sometimes new development poses a risk to the viability of theatres, where a theatre will be 're-provided' to enable other development to come forward.

Whatever the reason for new or significantly altered theatres coming forward, it is essential they are properly designed with sufficient space and volume to function. It is volume that is particularly important; policies need to require replacements of an equivalent or better standard and not just equal size. To achieve the optimal outcome for theatres and the communities they serve we strongly encourage applicants, developers and local authorities to engage with the Theatres Trust. We recommend reference is made to the Theatres Trust within policies and supporting text as shown in the example below:

Example detailed / development management policy

Replacement of a theatre (Westminster City Plan 2019 – 2040 Publication Draft, 2019)

D. In the exceptional circumstances where it is necessary to redevelop a theatre or cinema, a replacement of equivalent size and standard will be required. Proposals to improve theatres and cinemas will be encouraged and should have particular regard to their heritage designation.

16.6 / Given their valuable economic and reputational contribution to Westminster as a cultural centre, replacement theatres and cinemas may be required to be provided within a stated period to ensure the continuity of the use. Any replacement theatre or cinema should seat at least the same number of people as the original and be fully equipped to cater for live theatrical productions. A reduction in seating capacity may be allowed as part of cinema or theatre refurbishments, if this is necessary to improve accessibility or visibility, or other improvements relating to the operation of the theatre.

16.7 / We recognise the difficulties faced in upgrading theatre facilities to meet the needs of theatregoers and the standards they expect, while minimising adverse effects on theatrical heritage. We will continue to work closely with the theatre industry and other agencies to seek to resolve these issues, whilst ensuring that Westminster's unique heritage is maintained. We will continue to consult with the Theatres Trust and the Society of London Theatres on applications relating to theatres.

Infrastructure requirements

Local plans could identify particular cultural buildings as key infrastructure to be supported or further developed, potentially funded by receipts from planning obligations. This is because these facilities contribute towards other plan objectives as well as social and cultural wellbeing as an important aspect of sustainable development, and furthermore funding commitments from CIL and general development could help unlock further investment or match-funding from other sources such as the Arts Council and heritage bodies.

Site allocations

Site specific policies allocate land through the plan for particular uses. Where there is an existing vacant theatre building (or other cultural buildings such as cinemas and bingo halls), the plan could allocate the site for a return to cultural use. Where there is a general need for cultural uses within the area, cultural facilities can be included amongst a list of compatible uses for the site. This can typically be used within site allocations guiding town centre development, or where there are large-scale regeneration opportunities.

Sometimes vacant and former theatre buildings are allocated for an alternative form of use or development, such as residential. We would usually strongly object to such proposals unless there is compelling evidence which conclusively demonstrates the building is surplus to requirements for theatre or other community and cultural uses. In these situations, we recommend authorities to consult with us early and ideally before the plan is made public.

Other guidance

This includes masterplans and design guidance. While guidance does not have the same weight in planning decisions as local plan policies, it can nevertheless guide decision making and promote opportunities for theatres and other cultural buildings. In particular, town centre masterplans can emphasise the role cultural facilities have in supporting footfall and improving vibrancy. Cultural Strategies can set out what authorities hope to achieve within a forthcoming period, and underpin evidence supporting the protection or delivery of venues.

The role of the Theatres Trust

Theatres Trust is the national advisory public body for theatres and is a statutory consultee in the planning system in England, Scotland and Wales. This means that Local Planning Authorities are required to consult us on any planning application involving land where there is a theatre or that will have an impact on theatre use. This applies to all theatre buildings, old and new, whether they are in use as a theatre, in other uses or disused.

Theatres Trust works to safeguard theatre use, or the potential for such use and can help you establish the most viable and effective solution for theatre buildings or potential theatre sites within your authority's boundary. We encourage applicants, councils and developers to contact us for pre-application advice at the earliest possible stage. We engage with local authorities on local development plans, masterplans and other similar documents and can provide assistance with the drafting of content and policies. We can attend stakeholder meetings and workshops. We can also provide advice on infrastructure planning and planning obligations. For further information and to get in contact with us about how we could help you with policies on theatres and culture, please email us at planning@theatrust.org.uk or call 020 7836 8591.