

Ref.: TC/1074

12 July 2024

Morgan Cheung
Pending Applications
Development Planning
City of Westminster
PO Box 732
Redhill
RH1 9FL

By e-mail: southplanningteam@westminster.gov.uk

Application: 24/03155/FULL

Site: Fourth Floor 43 Aldwych WC2B 4DN

Proposal: Use of the 4th floor office to residential use; creation of a new access for a roof terrace; and alterations to the existing rear fire escape.

Remit:

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 Theatres Trust on this application for planning permission at the Aldwych Theatre, which seeks to convert office space to residential use. We

Theatres Trust

22 Charing Cross Road, London WC2H 0QL

Telephone 020 7836 8591 **Email** info@theatrestrust.org.uk **Website** theatrestrust.org.uk **Twitter** @TheatresTrust

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Chair Dave Moutrey OBE

Director Jon Morgan

Trustees Vicky Browning OBE, Anna Collins, James Dacre, Suba Das, Liam Evans-Ford, Stephanie Hall, Annie Hampson, Tracy Ann Oberman, Lucy Osborne, Saratha Rajeswaran, Truda Spruyt, Michèle Taylor MBE, Katie Town

The Theatres Trust is the national advisory public body for theatres. The Theatres Trust Charitable Fund supports the work of The Theatres Trust, has the same Trustees and is registered as a charity under number 274697

have also commented on a corresponding application for listed building consent under separate cover. We were consulted on a similar proposal in 2022; that application has not been determined. On that occasion we raised no objection, subject to various conditions and clarifications.

The part of the building subject to this application is within the ownership of the theatre but is largely within other uses. Historically it has all been in residential use at upper levels, but at some point (the applicant's evidence suggests around or after 1983) the fourth floor was converted to office use. It is accessed separately from the theatre itself, through a doorway between the Waldorf Hotel and the ground floor commercial units next to the theatre's main entrance and foyer. This reflects the arrangement at the Novello Theatre at the opposite end of the block; the two were designed together although they are not quite identical.

Although historically linked to the theatre, the distinct nature and operation of this part of the building and the introduction of a new residential use mean it is in effect a neighbouring development. As stated previously, as well as in our comments regarding change of use of the corresponding area of the Novello in 2019, our general position is to caution against developments of this type because theatres (or other noise-generating cultural and performance venues) are not necessarily compatible with residential uses. This is because of the risk of noise and/or vibrations, not just from performances but from related and necessary supporting activities, can affect the amenity and living conditions of residents. In turn there is a risk that complaints on the basis of noise can result in harmful restrictions being placed on theatres. This issue is recognised, and there is Local Plan, London Plan and National Planning Policy Framework policy on that basis.

The applicant's Noise Impact Assessment confirms that low frequency sounds are perceptible during the loudest moments of shows, although external background noise levels exceed targets and this is being mitigated through additional insulation (something we noted would be advisable in our previous comments). Whilst reduction of peak performance sounds could be minimised through additional acoustic separation, it is stated this is not feasible due to heritage impacts.

We acknowledge the second and third floors beneath this proposal are already within long-standing residential use, and historically the theatre co-existed with this unit as a residential flat. On that basis, as before, we raise no overall objection to the principle of residential use. However, that is conditional.

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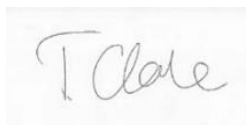
The fact there has evidently been no complaint made by existing residents does not mean that incoming residents would not make complaint. Theatres Trust has current casework concerning a long-standing theatre where investigation has been commenced by the local authority after receipt of complaint by a nearby resident who is believed to have recently moved into their property. The proposed residential unit is currently within the ownership of the theatre which to some extent reduces potential for conflict, but that could change in the future. We recommend that legal agreements are in place to protect the theatre into the future and to maintain its operations without additional restriction. We recommend the signing of a restrictive covenant extinguishing the rights of owners or residents of this unit to raise complaints on noise/vibration grounds against the theatre. This could be obligated through a planning condition and/or Section 106 agreement. We consider that such a condition would meet the six tests set out within paragraph 3 of the Government's guidance on the use of planning conditions (2019) and paragraph 57 of the NPPF. To make it enforceable any change in ownership must be notified to the Council.

As this unit is not within theatre use we make no comment on the acceptability of change of use from office/commercial use and neither do we have any comment on the design and layout of the space for residential purposes.

Our position is consistent with that of both the previous application at this site and the similar one at the Novello Theatre in 2019.

In conclusion, we raise no overall objection subject to effective safeguards being in place through robust planning conditions and legal agreements.

Please contact us if we may be of further assistance or should you wish to discuss these comments in further detail.



Tom Clarke MRTPI

National Planning Adviser

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