

# CULTURE AND NIGHT-TIME ECONOMY SPG

## CONSULTATION SUMMARY

November 2017

### **INTRODUCTION**

The Culture and Night-Time Economy (NTE) SPG provides guidance on applying the policies in the London Plan 2016 that support the provision and protection of London's cultural infrastructure and for promoting the night-time economy.

Consultation on the SPG took place between 19 April 2017 and 31 May 2017, although the closing date was extended to 14 June 2017 at the request of several stakeholders who were keen to respond but were unable to do so within the time limit. A total of 43 responses were received from a range of stakeholders including local authorities, statutory consultees, community groups, voluntary and pressure groups, businesses, NGOs, individuals and representatives from culture and the creative industries. A list of representors can be found at Appendix 1.

Most representors expressed their support for the SPG and welcomed guidance on protecting pubs, the Agent of Change principle and balancing the needs of residents with those of the night-time economy.

This report summaries the main issues raised in the consultation responses to the draft NTE SPG and the changes made to the final version of the SPG. The SPG has been revised to take account of responses where appropriate, to correct factual errors and ensure the document reflects the most recent legislation.

### **General Comment**

The NTE SPG provides guidance for the current London Plan 2016 and cannot propose new policy. The SPG has however, been used to inform the culture and night-time economy policies in the draft new London Plan, which will be published at the end of November 2017. As the draft new London Plan moves towards examination in autumn 2018 and adoption in 2019, its policies will gain weight for use in determining planning decisions and drafting London borough Development Plan Documents. Many of the responses received requested more guidance on a number of areas including, implementing the Agent of Change principle, protecting pubs, managing the night-time economy, dealing with anti-social behaviour, transport issues and cultural quarters. Some of these requests and suggestions have been addressed in the final version of the SPG and others will be covered in the draft new London Plan. A best practice resource which could include case studies, frequently asked questions and detailed further guidance on these topics will be explored if necessary to support the implementation of the Culture Strategy and the draft new London Plan.

### **Factsheet and Executive Summary**

Changes to the Town and Country Planning (General Permitted Development) (England) 2015 (GPDO) earlier this year removed permitted development rights to change A4 (drinking establishments) to A3 (food and drink), A2 (financial and professional services) and A1 (shops) without prior approval. This change means that Article 4 Directions to remove permitted development rights from pubs are now no longer needed. The draft NTE SPG was published for consultation just before changes were made to the GPDO and many representors requested that the document reflect changes to the legislation.

To address the responses, the reference to Wandsworth's Article 4 Direction has been removed from the paragraph on "Challenges to the night-time economy" and the first paragraph under

‘Protecting Pubs’ in the Executive Summary which described previous permitted development rights has been removed.

To reflect concerns about the impact of night-time activities on existing residents, a sentence to this effect has been added to the section “A Wider Range of Evening and Night-Time Activities”.

### **1. Introduction to the NTE SPG**

#### London’s culture

This section has been updated to reflect Historic England’s request to draw out the links between cultural infrastructure and the historic environment. A new paragraph has been added to address the point made by Historic England that many cultural venues and facilities could be afforded additional protection through the planning system by considering heritage and townscape merit.

Several representations requested a clear definition of, and distinction to be made between, the evening economy and the night-time economy. A new paragraph has been added to address this issue, stating that for the purposes of the NTE SPG, the evening economy is considered to be a sub-set of the night-time, which refers to the time between 6pm and 6am. The qualitative differences and different management requirements for each has been highlighted.

#### Purpose of the SPG and National Planning Policy context

Both these sections have been updated to include references to a broader range of relevant policies in the London Plan and National Planning Policy Framework.

### **2. Protecting Pubs**

This chapter received a significant number of comments regarding permitted development rights and pubs, which have been removed due to a change earlier this year to the Town and Country (General Permitted Development) (England) Order 2015 (GPDO). The section “How pubs can be protected” has been updated to reflect the change in legislation and highlighting that local authorities no longer need to put in place Article 4 Directions to remove permitted development rights from pubs. Consequently, the case study (Case Study 01) on London Borough of Wandsworth’s use of an Article 4 Direction to protect around 135 pubs in the borough has been deleted.

The historic and/or community value of a pub can help its protection, particularly if local policies are put in place. A reference to tools such as locally listing buildings and conservation area status has therefore been added.

Some representors requested more information on Assets of Community Value (ACV). However as one of the main incentives for designating pubs as ACVs was to remove permitted development rights from pubs, there may be less need to designate pubs as ACVs due to changes to the GPDO. This last point and the limitations of ACV process were raised as issues that should be recognised in the SPG. A new paragraph to address these issues has been added.

The draft new London Plan will have a stand-alone policy for protecting pubs.

### **3. Sustaining Existing Venues and Protecting New Facilities**

Representation was made on the increasing pressure on existing cultural and night-time economy uses from office to residential permitted development rights. It was noted that while the recent amendment to the GPDO does include a prior approval category related to noise impacts, this does not give local authorities particularly strong tools to deal with future impacts. Some respondents requested guidance on justifying future office to residential Article 4 Directions given that the current exemptions to permitted development rights, including those in the Central Activities Zone (CAZ) end in March 2019 and local authorities will need to put in place Article 4 Directions to replace exemptions. The draft new London Plan will address this issue through office, town centre and CAZ policies as well as guidance on strategic office locations.

A new paragraph has been added to address the point made by Historic England that many cultural venues and facilities could be afforded additional protection through the planning system by considering heritage and townscape merit.

### **4. Creating a more diverse and inclusive night-time culture and economy**

There was substantial support for diversifying the range of night-time activities, particularly through extending the opening hours of more traditional daytime activities, with museums and night markets, added as examples.

More guidance on implementing 'meanwhile' spaces was requested by a number of representors. The draft new London Plan will provide clearer policy on meanwhile/temporary/pop up uses.

The section on inclusive access was welcomed with respondents agreeing that venues should be as accessible as possible. A number of respondents raised concerns that the SPG only talked about disabled access when discussing inclusive access. To address this, the SPG now refers to a range of people who may feel excluded from the night-time economy and highlights the importance of inclusive access for all groups.

### **5. Agent of Change**

There was significant support for the Agent of Change principle, however some respondents felt that design would make little difference to mitigating noise, largely because noise and other nuisance such as anti-social behaviour associated with late night venues comes from people queuing to get into venues, leaving venues and noise from outside smoking areas. These issues are best addressed through management and licensing and the final SPG highlights the role that management plans can play. Chapter 7 and the Town Centres SPG (2014) provides further guidance on managing the night-time economy and a reference to this has been added.

The paragraph which provides guidance on the scope of noise impact assessments has been widened to include the impact that noise can have on surrounding streets.

Several respondents requested more guidance on implementing the Agent of Change principle. The current London Plan does not have a specific policy on the Agent of Change principle although the noise policy 7.15 "Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate landscapes" provides for implementing the key elements of the Agent of Change principle in planning decisions. The draft new London Plan will have a stand-alone policy on the Agent of Change principle and if deemed necessary, case

studies and further guidance on implementing Agent of Change could be explored as part of a best practice resource.

Several respondents requested inclusion and guidance on the use of Deed of Easement. Deed of Easement was most notably used in an agreement between the Ministry of Sound and the developer of a new residential block nearby, securing protection for the nightclub against noise complaints from neighbours in a new residential development. As part of developing the draft SPG officers explored the potential of providing guidance on Deed of Easement and the practical application of such an approach and concluded that the SPG should not provide guidance on this issue. Consequently, the SPG has not been amended to include guidance on the use of a Deed of Easement.

The case study on the use of planning informatives in the Smithfield area of the City of London (case study 07) has been removed because it contained incorrect information regarding the status of and use of planning informatives. Planning informatives are included in a planning decision notice to draw an applicant's attention to matters such as reminding them to obtain further planning approvals and consents. Informatives do not contain any legal weight and will not appear in a land charge search.

## **6. Places**

### Town centres

BIDs were mentioned by a few representors who felt they have been beneficial in the role they play in a well-managed night-time economy and the recognition given them in the SPG was welcomed. A reference has been added to the GLA's interactive BID map for London to this section in an end note.

A reference to the Town Centres SPG has also been included as this provides detailed guidance on managing the night-time economy, an issue for which several representors have requested more guidance.

### Central Activities Zone (CAZ)

'Historic environment' has been added to this section to reflect its strategic function within the CAZ.

Along with town centres, the CAZ is one of the main areas of focus for the night-time economy. Because it includes an intricate mix of business and residential much of it set within a historic and cultural environment and with a significant number of visitors and workers, careful planning is required to balance everyone's needs. Sensitive management of the night-time economy is also required. Much of this is addressed in the Central Activities Zone SPG which contains further guidance on implementing London Plan policies relating to the CAZ and a reference to which has been added to this section.

Respondents raised concerns that the cumulative effects of night-time activities can have a negative impact on existing residents and a sentence has been added to recognise this concern.

### Strategic Cultural Areas and Cultural Quarters

Numerous representors requested more guidance on cultural quarters and their benefits, while a couple of outer London boroughs felt that cultural quarters were not always appropriate for their

areas. The forthcoming draft London Plan's culture policy will provide more detail on cultural quarters.

Responding to comments received, this section has also been updated to ensure consistency with the current London Plan.

### **7. An integrated approach to managing night-time culture**

A number of respondents welcomed the inclusion of this chapter but felt more comprehensive and coherent guidance could be provided, particularly with regard to the integration of planning and licensing. Licensing itself is not a planning matter and is beyond the scope of both the London Plan and the SPG.

Licensed operators have been added to address the opinion that they should be part of any management group. A reference to BIDs has also been included to reflect the important role they play and their success in the management of the night-time economy as part of a strong partnership approach.

A significant number of respondents, raised issues relating to transport, many which fall outside of planning and the SPG. These issues will be forwarded to Transport for London. Other issues will be addressed in transport policies in the draft new London Plan.

There was widespread support for the Mayor's Healthy Streets initiative which promotes the benefits of walking, cycling and using public transport. With the recent introduction of the Night Tube, many people can now access the night-time economy more easily, however there was some concern about the impact on the amenity of neighbouring uses. The SPG has been updated to reflect this.

### **APPENDIX 1 – LIST OF RESPONDENTS TO THE CONSULTATION**

Alexandra Park and Palace Charitable Trust  
Assael Architecture Limited  
Association of Licensed Multiple Retailers  
British Beer and Pub Association  
Campaign for Real Ale (CAMRA)  
Church Commissioners for London  
Citizen's Advice, Westminster, Licensing Advice Project  
City of London Corporation  
Covent Garden Community Association  
Heart of London Business Alliance  
Highways England  
Historic England  
Institute of Historic Building Conservation (IHBC)  
K Kelleher  
London Assembly Labour Group (Fiona Twycross Assembly Member)  
London Belongs to Me Ltd  
London Borough of Barnet  
London Borough of Bexley  
London Borough of Hackney  
London Borough of Islington  
London Borough of Lambeth

London Borough of Lewisham  
London Borough of Newham  
London Borough of Redbridge  
London Borough of Southwark  
London Borough of Sutton  
London Councils  
London Legacy Development Corporation (LLDC)  
Marble Arch London  
Mc Donald's  
Ministry of Sound  
Music Venue Trust  
Nimax Theatres Limited  
Old Oak and Park Royal Development Corporation (OPDC)  
Publica  
Raze Collective (Tim Crocker-Buque)  
Rolf Judd on behalf of Shaftesbury PLC  
Royal Borough of Kensington and Chelsea  
Tom Gill – Greater London Authority  
Transport for London (TfL)  
West End Community Network  
West End Labour Action Team  
WYG on behalf of Neon Leisure Limited