

City Management Plan workshop briefing notes

Arts, Culture and Entertainment

What are the issues?

Westminster is at the heart of London's visitor economy with an unrivalled range and combination of visitor attractions. The vast majority of London's 30 million annual visitors come to Westminster during their stay in the capital, attracted by iconic heritage sites such as the Houses of Parliament, Westminster Abbey and Buckingham Palace and many of London's largest public and ceremonial events, and museums and galleries. Home to London's theatre district, Westminster has 38 theatres, 60 cinema screens and 4 concert halls with combined seating capacity for over 50,000 people; there are some 3,000 entertainment uses, such as cafes, restaurants, takeaways, public houses, bars and night-clubs. Visitors to Westminster spend over £5 billion a year and support nearly 65,000 jobs.

The council wishes to enhance Westminster's position as an internationally renowned tourism, arts, culture and entertainment centre offering a wide range of facilities. We also want to ensure that local arts and cultural facilities continue to flourish.

Westminster, and specifically the West End, faces a unique set of circumstances in terms of its night time economy. There can be vast numbers of pedestrians on the streets during both day and early hours - night-time activities attract an estimated half a million people. Parts of Westminster are significantly noisier and with higher levels of anti-social behaviour than many other parts of London due to mix and pattern of commercial and entertainment activities and the 24 hour nature of some activities.

The council has to balance Westminster's role as an important leisure and late night entertainment location with the protection of residential amenity as well as the safeguarding of the distinctive character and functions of parts of Westminster. The City Council designated 'Stress Areas' - including the West End Stress Area covering Soho and Covent Garden - where the number of entertainment uses are considered to have reached a level of saturation, and are adversely affecting the local street environment, residential uses, and other commercial uses. A stricter approach is taken to new entertainment uses within these areas.

In granting planning permissions, the City Council uses planning conditions to mitigate any potential negative impacts. Planning conditions are imposed to control:

- The number of customers who may be present on the premises
- The layout including the amount of seating and standing space
- The opening hours
- The arrangements to prevent disturbance from smells, noise and vibration (including that from the use of ventilation and air conditioning equipment)
- Servicing arrangements
- Arrangements for the storage, handling and disposal of waste, recyclable materials and customer litter
- The positioning of tables and chairs outside
- Changes of use within the same Use Class.



City of Westminster

PLANNING & CITY DEVELOPMENT

4pm, 30th September 2009

7th floor (West) City Hall



Shaftesbury Avenue

The City Council does not set fixed predetermined closing times for particular areas, but takes a number of factors into account, including the type, size and location of the development proposed, the proximity to residential units, and the existing levels of night time activity and disturbance.

The City Council also sets out provisions in relation to opening hours in its Statement of Licensing Policy. Policy HRS1 sets 'core hours' - when licensing applications for hours will generally be granted (subject to other policies). For premises involving the supply of alcohol for consumption on the premises, this is 10.00am to 11.30pm between Monday and Thursday, 10.00am to midnight on Friday and Saturday, and Midday to 10.30pm on Sunday. Restaurants and premises where regulated entertainment is provided to a seated audience are often given more opportunity to operate later at night.

National and Regional Policy

Planning Policy Statement (PPS) 6: Planning for Town Centres (2005) states that local authorities should consider the scale of leisure developments

they wish to encourage and their likely impact, including cumulative impact on the character and function of centres, anti-social behaviour, crime and the amenities of nearby residents. It expects local authorities to ensure that their planning policies take into account their licensing policies and strategies for the evening and night-time economy, and tackle issues such as anti-social behaviour and crime.

The London Plan states that Borough planning policies should protect and enhance Strategic Cultural Areas and their settings, and support evening and night-time entertainment activities in central London, City fringe areas and town centres, and where appropriate manage their impact. Strategic Cultural Areas are areas containing internationally important cultural institutions which are also major tourist attractions and includes the West End/Soho/Covent Garden area. Further London Plan policy guidance is provided within the London Plan's strategic priorities for the Central Activities Zone, to enhance and manage the role of CAZ as the country's premier visitor destination and its most important concentration of night time activities in Soho/Covent Garden and other strategic clusters in and around the Zone.

The Mayor's Best Practice Guidance (BPG) - Managing the Night Time Economy (June 2006) promotes a proactive and strategic approach to the management of areas of night-time activity in order to reduce impacts such as anti-social behaviour, noise, disturbance and cumulative impacts and to ensure they are dealt with in an integrated manner.

What have you told us?

- Policies should support tourism and existing tourist facilities, especially theatres. Existing theatres and performing arts facilities should be protected, especially where not covered by listed building status. There should be specific guidance on signage for theatres. They should benefit from s106 to mitigate impacts from new development.
- Theatres be given greater consideration – to reflect the Theatreland Strategy and Westminster City Plan.
- Important to distinguish between those specific occupiers that are likely to contribute to antisocial behaviour and users that are likely to add to the character and function of the area.
- Encourage night time economy uses not solely based on alcohol.
- Need to maintain flexibility to allow new entertainment uses if appropriate. Can include land use swaps.
- Should consider implementing 'customer management plans' as part of a condition for premises, which could place obligations on number of people allowed to enter premises, on table to customer ratio or on hours of opening.
- Should establish mechanism to make existing uses more responsible for the actions of their patrons.
- Should include policies which do not prevent the introduction of new bars and nightclubs in suitable locations but set out the variety of criteria which will determine whether a particular proposal is acceptable, i.e. proximity of resi-

dential accommodation, opening hours, type of use and scheme design to reduce crime and anti-social behaviour.

- Should be prevention of any increase in unwelcome entertainment uses and in particular food and drink premises in St James's, which needs to be included in West End Stress Area.
- The contribution of restaurant uses with al fresco dining is recognised.
- Issues related to smoking ban.
- Not just problems caused by patrons, but by servicing.
- Casinos not always popular.
- The Council should recognise the importance of entertainment activities including to higher education institutions.

Current Unitary Development Plan Policy 2007

Policy STRA 13 sets out the City Council's overarching aim to maintain and improve the range of arts, culture and entertainment uses in Westminster, and also to restrict further late night entertainment uses in areas that already have a concentration. The UDP therefore protects arts and cultural uses (Policy TACE 5), and also contains a specific policy to protect theatres (Policy TACE 6). Policy TACE 7 protects arts, cultural and educational uses in the 'Arts, Cultural and Educational Special Policy Area' and supports consolidation of those uses. A proposal for a change of use of a music venue would be resisted if the venue was of "national and international importance" and may also be resisted if the building is listed and a change of use would harm the listed building.

Policies (TACE 8 - 10) takes a 'matrix' approach to new entertainment uses dependent on their location, size and activities in order to safeguard residential amenity, local environmental quality and the established character and function of the various parts of the City. Policy TACE 8 relates to uses which are

APPROACH OF POLICIES TACE 8 -10

1 Uses with less than 150 sq m of gross floorspace

| Location | Restaurants, cafés | Pubs, bars | Takeaways | Other entertainment |
|--------------|--------------------|------------|-----------|---------------------|
| Outside CAZ | TACE 8 | TACE 9 | TACE 9 | TACE 9 |
| Inside CAZ | TACE 8 | TACE 9 | TACE 9 | TACE 9 |
| Stress Areas | TACE 8 | TACE 9 | TACE 9 | TACE 9 |

2 Uses with between 150 sq m and 500 sq m of gross floorspace

| Location | Restaurants, cafés | Pubs, bars | Takeaways | Other entertainment |
|--------------|--------------------|------------|-----------|---------------------|
| Outside CAZ | TACE 9 | TACE 9 | TACE 10 | TACE 9 |
| Inside CAZ | TACE 8 | TACE 9 | TACE 9 | TACE 9 |
| Stress Areas | TACE 9 | TACE 10 | TACE 10 | TACE 10 |

3 Uses with more than 500 sq m of gross floorspace

| Location | Restaurants, cafés | Pubs, bars | Takeaways | Other entertainment |
|-----------|--------------------|------------|-----------|---------------------|
| City wide | TACE 10 | TACE 10 | TACE 10 | TACE 10 |

generally permissible (dependent upon criteria), TACE 9 relates to uses which may be permissible (dependent upon criteria), whilst TACE 10 relates to uses only permissible in exceptional circumstances.

Policy SS2 Protecting non-A1 retail uses – The supporting text states that traditional public houses will normally be protected throughout the City, as they can be the focus of the local community and have a special distinct historical character.

Policy TRANS 20 (off-street servicing, deliveries and collection) states that conditions may be imposed in order to restrict servicing activity to certain times and to ensure that the facilities are kept permanently available for their intended use, in order to minimise or prevent disturbance and inconvenience to adjoining occupants.

The UDP also contains guidance on the acceptability of tables and chairs on the footway (UDP Policy TACE 11) based on criteria such as the level of obstruction, safety, ease of street cleansing, impact on

character and appearance of the area, and potential nuisance to residents etc. Further policy guidance is provided in relation to amusement arcades (UDP Policy TACE 12), stating that they will not be allowed outside the CAZ and will only be permitted inside the CAZ under certain circumstances.

The number of sex-related entertainment uses is limited in Westminster. Policy TACE 13 states that sex-related uses will only be granted in exceptional circumstances, and will be confined to a restricted area of Westminster. The Statement of Licensing Policy has a very similar policy on location and identifies a number of conditions that are appropriate to be applied for licences for this type of entertainment when granted.

Theatreland Strategy (2008) sets out a strategy for physical improvements to the public realm, lighting and the street environment around theatres. Its aim is to strengthen the identity and vibrancy of theatres in the West End.

Theatreland Lighting and Signage Guidance (2008) is an informal guide to assist the theatre industry and the council in working together to bring about improved lighting and signage installations. It aims to respect theatre architecture as well allowing scope for innovation where appropriate.

The City Council commissioned a “Creative Industries Study” (2007) to get a better understanding of the specific needs of arts and cultural activities such as music and the visual and performing arts. The study reported these activities are important to Westminster’s cultural diversity, tourism and world city offer and contribute to its “creative buzz”. The Study noted UDP policies to protect arts and cultural uses, and theatres specifically, and recommended that we introduce a policy to protect music venues.

Core Strategy Publication Draft 2009 (subject to agreement)

The Core Strategy contains a policy to protect existing tourist attractions, arts and cultural uses and to also encourage new arts and cultural uses in the Core CAZ, Economic Development Area, and Strategic Cultural Areas. Outside these areas, arts and cultural uses will be acceptable where they are of a local scale and benefit the local community, are appropriate to the local context and can be managed without adversely impacting on residential amenity.

The Core Strategy states that new entertainment uses will need to demonstrate that they are appropriate in terms of the type and size of use, scale of activity, relationship to any existing concentrations of entertainment uses and any cumulative impacts and that they do not adversely impact upon residential amenity, health and safety, local environmental quality and the character and function of the area.

New large-scale late-night entertainment uses of over 500sqm floorspace are generally not appropriate throughout Westminster.

The Core Strategy also sets out the general approach to entertainment uses within different locations, including a stricter approach within the retained Stress Areas (West End, Edgware Road, Queensway/Bayswater) than in other central locations, whilst taking a more flexible approach where entertainment uses can support retail function within the West End Retail Special Policy Area and potentially in the North Westminster Economic Development Area.

Further information

Planning Policy Statement 6 Planning for Town Centres (2006)

The London Plan – Consolidated with Alterations since 2004 (February 2008)

Best Practice Guidance – Managing the night time economy (June 2006)

The Mayor's Cultural Strategy, London: Cultural Capital – Realising the potential of a world class city (June 2004)

Adopted Unitary Development Plan (January 2007)

Core Strategy Publication Draft, Westminster City Council

Statement of Licensing Policy, Westminster City Council (2008)

Theatreland Strategy, Westminster City Council (2008),

Theatreland Lighting and Signage Guidance (2008)

Creative Industries Study, Westminster City Council (2007)

Act Now, Modernising London's West End Theatres, The Theatres Trust (October 2003)

The agenda for the Arts, Culture and Entertainment workshop is as follows:

Welcome and introduction

by Councillor Lewis – 10 mins

1. The UDP takes a 'matrix' approach to new entertainment uses (see table above) which varies dependent upon location, size and type of entertainment use (as well as a number of individual policy criteria including impact on residential amenity).

- Should the City Council continue with this 'matrix' policy approach, differentiating between the Stress Areas, Central Activities Zone and elsewhere, and size and type of entertainment use proposed?
- Should the size thresholds be changed?

2. How should the City Council assess the impact of proposed entertainment uses upon residential amenity, health and safety, local environmental quality and character and function of the area?

3. How should the City Council manage the impact of late night entertainment uses? For example should the City Council:

- continue to use planning conditions when granting permission to new entertainment uses to limit opening hours, number of people entering the premises, etc?
- adopt the use of premises management plans?

1 hour 20 mins

BREAK – 10 mins

4. We want to continue to protect and support arts and cultural uses.

- Should we have a stronger policy to protect music venues?
- Should this protection be subject to any specific criteria (e.g. the length of time it has been a music venue, the size of the venue, location)?

5. In addition to the protection of theatres, how else should the City Council support theatres through planning policy?

6. Are any other policies required that will maintain and enhance Westminster's diverse arts and cultural facilities/ offer?

7. Are there any other issues that have not been covered above?

1 hour 20 mins

Workshop time – 3 hours

Contact

Tom Kimber
City Planning Group, Westminster City Council,
11th Floor, Westminster City Hall
64 Victoria Street, London SW1E 6QP
020 641 3478
tkimber@westminster.gov.uk

Collette Willis
City Planning Group, Westminster City Council
11th Floor, City Hall, 64 Victoria Street
London SW1E 6QP
020 7641 2387
cwillis@westminster.gov.uk