

## Chapter 8: Tourism, Arts, Culture and Entertainments

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## Chapter 8: Tourism, Arts, Culture and Entertainments

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### INTRODUCTION

- 8.1 The City Council wishes to maintain Westminster's position as an internationally renowned tourism, arts, culture and entertainment centre offering a wide range of facilities. According to the World Tourism Organisation, the United Kingdom is the sixth most popular international visitor destination in the world and London plays an important role as a gateway for overseas visitors to other parts of the country. London attracts growing numbers of visitors from elsewhere in Britain, both to stay and on day trips. Many Londoners who live outside Westminster also visit the city to enjoy its range of arts, cultural and entertainment attractions. Numbers of visitors to London fluctuate from year to year but the general trend is increasing. Overall visitor numbers have risen from 15 million since 1991 to 26 million in 2005.
- 8.2 Most visitors to London will visit Westminster and a large proportion will also stay in the city. Westminster contains several of the most popular visitor attractions in the country and over 36 per cent of London's hotel bedspaces (including guesthouses and bed and breakfast accommodation). However, there is a limit to the numbers of visitors that can be absorbed without causing harm to the very things they have come to see and experience. It is therefore necessary to manage the growth of tourism to maintain and improve the quality of people's experience of visiting and staying in Westminster. This includes safeguarding the unique character of Central London with its historic, cultural and entertainment attractions. The emergence of new visitor attractions in other parts of London, for example the London Eye and the Tate Modern on the south side of the river, can help spread the pressures which visitors can bring and also provide local employment and regeneration opportunities in these areas. The City Council has been actively pursuing this approach through the Cross River Partnership.
- 8.3 Westminster's arts, culture and entertainment venues provide opportunities for a wide range of experiences from the established and the traditional to the innovative, and from high culture to more popular forms of entertainment. Westminster includes the heart of 'Theatreland', concert halls and opera houses, West End cinemas, national and more specialist art collections, museums and galleries. It also has an unrivalled range of entertainment facilities including 2,600 bars, pubs and restaurants, almost 200 premises with a night café licence, almost 400 premises with a music and dance licence and it forms the main focus of London's casino industry. Many of these functions are linked with, for example, visitors combining trips to the theatre with eating out or shopping in central Westminster. However the recent marked expansion of the evening and late night economy has resulted in additional pressures on parts of Westminster leading to environmental stress, adversely affecting the attractiveness of Central London to both visitors and residents. The policies in this chapter seek to control and guide development relating to the entertainment industry.

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- 8.4 The plan also accords the highest priority to the protection of the City's housing stock, the character of the residential areas and residential amenity. The policies in this chapter will be applied in the light of this priority. The plan therefore seeks to provide a framework within which tourism, arts, culture and entertainment uses can continue to contribute to the prosperity of London as a whole without causing adverse effects on residents or the environment. In January 1997 the City Council produced a tourism strategy which aims to achieve a sustainable balance between the needs of visitors and residents without any adverse effects on the environment. The policies in the Plan are one tool for achieving this balance. The City Council has also prepared a local cultural strategy, "Culture in the City", published in March 2003, that provides a framework to help guide the evolution of and access to the rich variety of cultural resources which are available in Westminster.
- 8.5 Strategic policies relating to visitors to Westminster and arts, culture and entertainment are set out in Part 1 of the Plan. These form the framework for the detailed policies in this chapter. Policies STRA 12 on tourism, hotels and visitor attractions, STRA 13 on arts, culture and entertainment and STRA 9 on Special Policy Areas are particularly relevant.

### **VISITOR ACCOMMODATION AND FACILITIES (Policies TACE 1 to TACE 4)**

#### **Introduction**

- 8.6 Policies TACE 1 to TACE 4 in this section of the chapter set out the Council's approach to visitor accommodation and conference facilities. Many visitors support and use the range of arts, cultural and entertainment facilities which are available in Westminster. Policies relating to these uses, policies TACE 5 to TACE 13, are set out in a separate section of this chapter.
- 8.7 Throughout this section the term 'hotel' is used to include all hotels, guest houses, apart-hotels, bed and breakfast accommodation and other similar tourist accommodation. Temporary sleeping accommodation and permanent residential use is dealt with under Policy TACE 3.
- 8.8 Policies on coaches are set out in Chapter 4: Transport: see, in particular, policy TRANS 6. The requirements for coach parking and servicing in relation to hotel developments and standards for vehicle parking and cycle parking associated with hotel and visitor-related developments are also set out in Chapter 4 on Transport, including policies TRANS 11, 14 and 20 to 22.

## **EXISTING HOTELS**

### **Aim**

- 8.9 To maintain an adequate supply and range of visitor accommodation at different price levels.
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### **POLICY TACE 1: EXISTING HOTELS**

- (A) The loss of existing hotels within the CAZ, on CAZ Frontages and in the PSPA will be resisted.**
- (B) Outside the CAZ, CAZ Frontages and the PSPA the loss of existing hotels that do not have adverse effects on residential amenity will be resisted.**
- (C) Outside the CAZ, CAZ Frontages and the PSPA, in areas of over-concentration of hotels, such as Bayswater and Pimlico, the conversion of hotels to housing, where existing hotels are causing adverse effects on residential amenity, will be encouraged.**
- 

### **Policy application**

- 8.10 The City Council will not grant planning permission for change of use from hotel use within the CAZ, CAZ Frontages and the PSPA unless such hotels cause traffic or amenity problems.
- 8.11 Outside the CAZ, CAZ Frontages and the PSPA the City Council will resist only the loss of those hotels which do not have an adverse effect on residential amenity or do not cause traffic problems. Hotels which are not purpose-built and do not have adequate provision for servicing, especially for coaches, are more likely to give rise to adverse effects on local residential amenity and environmental quality. The upgrading of lower quality hotels will be supported. See also policy TACE 3.
- 8.12 In areas of over-concentration of hotels outside the CAZ, such as Bayswater and Pimlico, where hotels have adverse effects on residential amenity, their conversion to residential use will be encouraged.
- 8.13 Hotel operators will also generally be encouraged to improve their methods of operation to help bring about improvements to local amenity and environmental quality.

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### Reasons

- 8.14 Westminster's hotels have strong links with major Central London activities, including offices, shopping, theatres and other cultural and entertainment activities. There is interdependence and shared custom between hotels and these activities. Commerce and business linked to London's role as the nation's commercial capital also bring trade to Westminster's hotels. This creates year-round demand. Tourism is also a source of employment, both directly and indirectly, as it supports jobs in the retail sector, in the arts, and in services such as public transport and catering. Any significant decline in the extent of visitor accommodation in and near Central Westminster would have repercussions for major Central London activities.
- 8.15 The London Plan, whilst aiming to improve the quality, variety and distribution of visitor accommodation and facilities, recognises the problems which can be caused by the concentration of accommodation and visitor facilities in particular areas within Central London. Policy 3D.6 in the London Plan states that outside the Opportunity Areas in central London, boroughs should "resist further intensification of provision in areas of existing concentration except where this will not compromise local amenity or the balance of local land uses."
- 8.16 The cumulative effect of existing hotels in certain areas of Westminster, particularly Bayswater and Pimlico, has significantly changed the character of these areas. In these areas, over a number of years, many former residential properties changed to hotel use. The conversion of hotels to housing, where adverse effects are caused to residential amenity by hotels, will enable these areas to recover their primary character as residential areas.

### NEW HOTELS AND EXTENSIONS

#### Aim

- 8.17 To ensure that a range of good quality visitor accommodation is available to support London's role as a world visitor destination without adversely affecting the quality of life of local residents and the surrounding environment.

**POLICY TACE 2: NEW HOTELS AND EXTENSIONS TO EXISTING HOTELS**

- (A) Within the CAZ, in streets which do not have a predominantly residential character, on CAZ Frontages and in the PSPA, planning permission will be granted for new hotels and extensions to existing hotels where:**
- 1 no adverse environmental and traffic effects would be generated**
  - 2 adequate on-site facilities are incorporated within developments proposing significant amounts of new visitor accommodation, including spaces for the setting down and picking up of visitors by coaches and for taxis serving the hotel.**
- (B) Within the NWWSPA planning permission will be granted for new hotels and extensions to existing hotels where:**
- 1 the proposals are of an appropriate scale to their surroundings**
  - 2 there would be no adverse effects on residential amenity**
  - 3 no adverse environmental and traffic effects would be generated.**
- (C) Outside the CAZ, CAZ Frontages, the PSPA and the NWWSPA:**
- 1 planning permission for new hotels will not be granted**
  - 2 extensions to existing hotels will be granted planning permission where:**
    - a) these would be of an appropriate scale to their surroundings and linked to the upgrading of the hotel**
    - b) facilities that can be used by non-residents of the hotel would not be introduced**
    - c) the extension would not result in intensification of use of existing facilities by non-residents**
    - d) there would be no adverse effects on residential amenity and no loss of permanent residential accommodation.**
-

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### Policy application

- 8.18 Policy PSPA 4 will also apply to hotel proposals in the Paddington Special Policy Area. Larger hotel developments will be expected to provide for coaches and taxis, to provide parking and to have adequate servicing arrangements, in accordance with policies TRANS 6, TRANS 8, TRANS 11, TRANS 14, TRANS 20, TRANS 21 and TRANS 22 in Chapter 4 'Transport'. In defining what constitutes a significant amount of new visitor accommodation, the location of the site, its physical characteristics and the relationship to neighbouring uses will be taken into account as well as the extent of the accommodation and facilities proposed.
- 8.19 Within the NWWSPA appropriate new hotel development would help to create new employment opportunities and diversify the local economy: see Chapter 5 'Policies for North West Westminster' and Map 5.2. In much of the area, which is largely residential in character, new hotels are likely to be unacceptable due to their impacts on residential amenity. However in areas adjoining the Harrow Road and the Grand Union Canal hotel proposals may be acceptable. It is unlikely that conference facilities would be acceptable as part of these proposals, due to the associated further increase in impacts that would occur from the inclusion of such facilities.
- 8.20 New hotels and extensions should be carefully designed to be sensitive to the character and scale of the surrounding area. Where appropriate, the City Council will attach conditions to planning permissions for hotel development to ensure that functional areas within hotels, such as restaurants, bars, conference and banqueting facilities, are restricted to use by resident hotel guests only and that such areas are used only in conjunction with the main use of the building as a hotel.
- 8.21 The policies for hotels also cover newer types of visitor accommodation, such as apart-hotels, and other purpose-built short term accommodation for visitors. Apart-hotels incorporate greater amounts of self-contained and self-catering accommodation than traditional hotels. They may operate in different ways from traditional hotels and therefore their impacts may be different. Hotel developments are usually promoted with an operator in mind and specific details of their expected operation will be required to assess their impact. Apart-hotels normally have less on-site management. They will be considered on their merits and restrictive conditions or agreements may be applied in appropriate cases.
- 8.22 The policies limiting developments which intensify the use of existing hotels outside the CAZ or in streets with a residential character in the CAZ do not preclude improving or upgrading. There is no intention to discourage upgrading. Extensions that improve facilities without increasing the expected number of hotel residents or people using facilities at the hotel will generally

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be acceptable. Many hotels have carried out such improvements without increasing their capacity. As many existing hotels occupy listed buildings or are in conservation areas, the scope for major alterations and extensions is often very limited.

- 8.23 Under the terms of Policy TACE 2 (C), where it can be shown that a proposed extension will result in an improvement in the quality of the hotel, this may also be acceptable, subject to the proposed extension being of a scale which is appropriate to its surroundings. Such upgrading could involve proposals such as providing additional bathrooms, lounges, lifts or other facilities for visitors or restoring original features of buildings. Proposed extensions which would give rise to adverse effects on residential amenity or involve the loss of housing will not be acceptable. The introduction of additional facilities that could be used by non-residents of the hotel, such as bars, restaurants and meeting rooms, will not be acceptable.
- 8.24 For policies on temporary sleeping accommodation and permanent residential use, see policy TACE 3 in this chapter and policy H 2 in the Housing Chapter.
- 8.25 Policy TACE 2 and Policy H 6 on hostels will apply to changes of use from a hostel to a hotel. Policy TACE 1 on protecting existing hotels and Policy H 6 on hostels will apply to changes of use from a hotel to a hostel.

### **Reasons**

- 8.26 As part of its role as a 'world city' sufficient, suitable, good quality accommodation must be provided for visitors. Tourism is important both to the local and the national economy. The recent large growth in the number of visitors to London has led to an increase in the number of schemes to provide visitor accommodation. These include new types of accommodation, such as small, upmarket hotels without restaurants and apart-hotels with self-catering facilities.
- 8.27 Increasing the supply of visitor accommodation can also create problems. Westminster's residents experience particular pressures associated with living in a metropolitan city centre which contains many of the most visited places in the UK and over 36% of all London's hotel bedspaces. Visitors understandably want to stay near to the things that they wish to visit and this has an impact on residents living in and around the CAZ.
- 8.28 The attractions of central London have led to the growth of hotels in the residential areas around the CAZ. They are often next to houses and flats occupied by permanent residents. As well as protecting and increasing the permanent housing stock, the City Council's policies are designed to protect the character of residential areas from additional tourist activity.

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- 8.29 The London Plan acknowledges that Central London, particularly the West End, is the home for most tourist attractions and hotels in London. A wider distribution of visitor facilities across London is supported in the London Plan. Paragraph 3.241 of the Plan states that “to reduce pressures on Central London, provide more affordable hotel development capacity, increase London’s tourism attractions and contribute to broader regeneration and sustainability objectives, other locations should in future play a much greater role in provision for visitors.” It adds that “future provision in the Central London sub-region should focus on its town centres and CAZ fringe areas with good public transport and, in particular, its Opportunity Areas.”
- 8.30 The City Council supports the Mayor’s London Tourism Vision 2006-2016 and Action Plan 2006-2009 in encouraging hotel development in other parts of London to help alleviate pressure on Westminster and spread the economic and employment benefits of tourism more widely across the Capital.
- 8.31 Hotels, particularly large or intensively used hotels, are often not compatible with residential neighbourhoods, because of the amount of activity they generate. Visitors arrive and depart early and late. Taxi, car and coach movements during the night can be very disruptive to the amenity of nearby residents. Restaurant, banqueting or conference facilities exacerbate the problem by attracting visitors in addition to those staying at the hotel. Coaches can cause particular problems leading to traffic congestion as they manoeuvre along narrow streets and stop in the road outside hotels. They also cause disturbance and air pollution by parking with engines running. People and their luggage, whilst waiting outside hotels for their coach to arrive, may block pavements. Hotels can also change the character of residential areas in less obvious ways, including changes to the kinds of shops in local shopping centres.
- 8.32 Because of these pressures residents throughout Westminster, particularly in the streets with a predominantly residential character within the CAZ and the residential areas bordering it, need to be protected from the harmful environmental effects of hotel and tourism developments. Examples of the potential adverse environmental effects associated with hotels include:
- a) the traffic generated by hotel customers and the servicing of hotel developments;
  - b) advertisement signs and floodlighting can be out of character for properties in residential streets;
  - c) the provision of ducting and ventilation for dining rooms or restaurants and effects on the architectural character and detailing of the original building;
  - d) the greater volume of waste generated by hotels compared to residential accommodation;

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- e) the space and amenity implications of providing adequate storage facilities for waste and recycling materials.
- 8.33 The policies seek to ensure that hotel developments are guided to those non-residential parts of the City within the CAZ, the PSPA and the NWWSPA, where they can benefit from close links with Central London activities, but cause the least disturbance to residents.
- 8.34 Some budget hotels are of a very poor standard and need to be improved. This is of concern to the Government and to the tourist industry as a whole. People claiming housing benefit who have no other home, use some budget hotels. In these circumstances such hotels may be categorised as houses in multiple occupation (HMOs) under the Housing Acts. These establishments will usually count as hostels under planning legislation. The City Council is keen to see poor quality hotels upgraded and continues to encourage improvements through action taken under Environmental Health powers. A registration scheme for HMOs was introduced in April 1999. As planning permission is required for changes of use between hotels and hostels, the registration scheme should help to clarify the distinction between them. At present it is difficult to prevent some establishments changing from hotel use to hostel use and back again, according to changes in demand from benefit claimants and visitors.

### **TEMPORARY SLEEPING ACCOMMODATION AND PERMANENT RESIDENTIAL USE**

#### **Aim**

- 8.35 To prevent the change of use from temporary sleeping accommodation to hotel use in order to encourage its return to permanent residential use.

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### **POLICY TACE 3: TEMPORARY SLEEPING ACCOMMODATION AND PERMANENT RESIDENTIAL USE**

**Planning permission will not be granted for the change of use of lawful temporary sleeping accommodation, formerly used for permanent residential use, to a hotel.**

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#### **Policy application**

- 8.36 The City Council recognises the contribution that lawful short-let accommodation can make to meet the accommodation needs of certain visitors to Westminster, but wishes to ensure that the housing stock is not reduced as a result. Proposals for purpose-built short term letting

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accommodation, including apart-hotels, and for the conversion of buildings from non-residential use to short term letting use will be considered under policy TACE 2. Changes of use from temporary sleeping accommodation or time sharing to a hotel of property formerly in permanent residential use will not be permitted because they would consolidate the use by visitors of accommodation suitable for permanent residents. Changes from hotel use to temporary sleeping accommodation may be acceptable and will be considered on their merits. Their acceptability will depend on the likely effect on residential amenity. Changes of use of non purpose-built short-let accommodation to permanent residential accommodation will be encouraged.

- 8.37 The City Council will pursue enforcement action against the unauthorised use of residential premises for short-term letting: see also policy H 2 in Chapter 3: Housing.

### **Reasons**

- 8.38 The policies that apply to hotels also apply to temporary sleeping accommodation as defined in the Greater London Council (General Powers) Act 1973, as amended, and to time-sharing as defined in the Greater London Council (General Powers) Act 1984. The use of residential accommodation for temporary sleeping accommodation occupied by the same person for less than ninety consecutive nights, or for time-shares where a number of people each have the right to occupy a property for a set period each year, is a material change of use requiring planning permission. Such uses may reduce the stock of permanent housing. Lettings of less than ninety days, company lets and time-sharing schemes can also have adverse effects on residential amenity particularly when they are interspersed among houses and flats occupied by permanent residents.
- 8.39 The problems associated with the use of permanent residential accommodation for holiday lettings and the ensuing nuisance to permanent residents are referred to under Policy H2 in the Housing Chapter.

## **CONFERENCE AND RELATED FACILITIES**

### **Aim**

- 8.40 To support Westminster as a destination for business visitors without detriment to local residents or the environment.

**POLICY TACE 4: CONFERENCE AND RELATED FACILITIES**

**(A) Within the CAZ, CAZ Frontages and the PSPA, planning permission will only be granted for conference and related facilities where such proposals would not have adverse effects on:**

- 1 residential amenity**
- 2 the character and function of residential areas.**

**(B) Outside the CAZ, CAZ Frontages and the PSPA planning permission for new or extended conference and related facilities will not be granted and existing facilities will not be allowed to intensify.**

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**Policy application**

- 8.41 Policy TACE 4 applies to all forms of conference and support facilities including exhibition halls, banqueting halls, ballrooms and meeting rooms. Large hotels with conference and banqueting facilities are major traffic generators. New conference facilities provided within existing hotels can generate large increases in traffic. Transport assessments will be required to be submitted with all applications for proposals for conference and related facilities: see policy TRANS 14.
- 8.42 Even small conference-related facilities which attract non-residents of the hotel can have adverse effects on the surrounding area and are, therefore, not considered acceptable outside the CAZ, CAZ frontages and the PSPA. Policy TACE 2 on hotels also applies to the provision of conference, banqueting and related facilities.

**Reasons**

- 8.43 Central London has the largest choice of conference and business visitor facilities in Britain. Demand for major facilities for business visitors, such as conference centres and exhibition halls, is expected to continue to rise. Most of those in Westminster are associated with hotels and are in the CAZ or the PSPA. The City Council considers these are the best locations for such facilities in Westminster, as these areas have excellent national and international public transport connections and have a range of attractions nearby for delegates. Business visitors are particularly good for the local economy as on average they spend more than leisure visitors.

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- 8.44 Conference and banqueting facilities can create specific environmental problems including the traffic generated by large numbers of people arriving and leaving together. Off-street parking for coaches and places for picking up and setting down are often needed. Other environmental effects such as noise and waste generation may also be significant.
- 8.45 A need has been identified for additional very large-scale conference and convention facilities able to cater for about up to 20,000 people if London is to retain its share of the world conference market. There is little scope for a facility of this size within Westminster because of the scarcity of land and buildings and the problems that such a large traffic generator would cause.

### **ARTS, CULTURE AND ENTERTAINMENT (Policies TACE 5 to TACE 13)**

#### **ARTS AND CULTURAL USES (Policies TACE 5 to TACE 7)**

##### **Aim**

- 8.46 To safeguard arts and cultural uses.
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#### **POLICY TACE 5: ARTS AND CULTURAL USES**

- (A) Planning permission will not be granted for:**
- 1 a change of use from an arts or cultural use**
  - 2 commercial developments associated with arts or cultural uses, but unrelated to the arts or cultural use, unless they would be of clear and lasting benefit to the arts or cultural use.**
- (B) Planning permission for new arts and cultural uses, or extensions of such uses will be granted within the CAZ, on CAZ Frontages, in the PSPA and the NWWSPA where:**
- 1 they would be compatible with the character and function of the area**
  - 2 there would be no adverse effects on residential amenity**
  - 3 there would be no adverse environmental or traffic effects.**
- (C) Outside the CAZ, the CAZ Frontages, the PSPA and the NWWSPA, planning permission for new arts and cultural uses, or extensions of such uses, will only be granted**

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**where they meet the criteria set out in (B) above but in addition are intended primarily to serve the local residential population. (See also Policy TACE 7).**

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### **Policy application**

- 8.47 Policy TACE 5 applies to all arts and cultural uses, including museums, art galleries, cinemas, concert halls and theatres. Policy TACE 6 also applies to theatres. Policy TACE 7 applies to arts and cultural uses in the Arts, Cultural and Education Special Policy Area in South Kensington.
- 8.48 The City Council will continue to liaise with the arts and cultural sectors in Westminster as part of the Civic Renewal and One City programmes and the implementation of the local cultural strategy for Westminster. It will monitor and take into account structural changes in the theatrical and cinematic industries in applying policy TACE 5.
- 8.49 It may be possible for part of the revenue generated by commercial development associated with a building in cultural use to be put towards the repair and maintenance of the building. However, for any scheme the applicant will need to demonstrate that there will be clear and lasting benefits to the cultural use which could not otherwise be achieved, as well as complying with other policies in the Plan, particularly those on design. In some instances the City Council may seek to enter into a planning obligation by agreement with the applicant for the provision of a new cultural use or additional space or facilities for an existing cultural use, or, for the repair of a listed building.
- 8.50 Most of Westminster's major arts and cultural facilities are within the CAZ. There may also be situations where new uses outside the CAZ may be acceptable, provided they do not harm residential amenity or the environment, do not lead to the loss of residential accommodation and primarily serve the local community. Examples may include local arts facilities and community halls (see also Chapter 6, Social and Community Facilities).

### **Reasons**

- 8.51 The London Plan, at paragraph 3.233, recognises that "London's role as a world city is supported by a number of internationally important cultural institutions including museums, galleries and theatres, which are amongst London's major tourist attractions." The West End, Soho and Covent Garden and the South Kensington museums areas are identified in the London Plan in policy 3D.4 as Strategic Cultural Areas which should be protected and enhanced. The UDP policies on arts and cultural uses, policies TACE 5 to TACE 7, will help to protect and enhance these important strategic cultural areas.

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8.52 The arts and cultural uses, such as museums, art galleries, cinemas, concert halls and theatres, within Westminster represent a major part of the nation's cultural heritage. For example, cinemas in Central Westminster constitute the greatest concentration of cinema screens in the United Kingdom and most films have their British première in the West End. There are also a number of unique attractions, such as Madame Tussaud's or London Zoo, that do not easily fall into any category but are very popular. New arts and cultural uses in the NWWSPA, or within appropriate mixed-use developments in the PSPA, will assist the regeneration of these areas. In addition to the major facilities, there are a number of smaller-scale facilities, both professional and amateur, which operate within Westminster and are involved with the arts and related activities. These all represent a valuable amenity for residents, workers and visitors to the City, and make an important contribution to London's role as a World City. Smaller-scale arts and cultural facilities and activities in particular can add to the vibrancy and quality of life of local communities.

### **THEATRES**

#### **Aim**

8.53 To protect theatres in Westminster.

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#### **POLICY TACE 6: THEATRES**

**(A) Planning permission will not be granted for the change of use of buildings built, or previously used as theatres but not currently in theatre use, other than to a theatre use.**

**(B) In those very exceptional circumstances where it is necessary to redevelop a theatre, a suitable replacement theatre will be required to be provided within a stated period.**

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#### **Policy application**

8.54 Policy TACE 5 will also apply to any developments affecting theatres and safeguards existing arts and cultural uses including existing theatres.

8.55 The City Council will seek to secure the reversion to theatre use of any theatre no longer used as such, when opportunities occur. The City Council will consult widely, including The Theatres Trust, the Society of London

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Theatre and Save London's Theatres Campaign, on any significant applications relating to theatres.

- 8.56 In very exceptional circumstances, where the City Council accepts that an existing theatre can be redeveloped, a suitable replacement theatre will be required and must be provided within a stated period. Generally the replacement theatre must be able to seat at least the same number of people as the theatre which is to be replaced and be fully equipped to cater for live theatrical productions. However, the City Council will take into account the particular circumstances of individual proposals and may consider a reduction in seating capacity if that is demonstrated to be necessary to enable accessibility and visibility improvements or to enable qualitative improvements to the standard of performance space and related operational areas. These may include rehearsal and education space, and necessary front and back of house facilities.

### **Reasons**

- 8.57 London's theatres are a unique heritage unmatched anywhere in the world. They are a great attraction for British and overseas visitors. The Society of London Theatre estimates that overseas visitors buy 30 per cent of West End theatre tickets. They are an important amenity for Westminster residents and other Londoners. They are also important economically. The Society of London Theatre's Wyndham Report (1998) estimated that the total economic impact of West End Theatre was over £1 billion and supported over 40,000 jobs.
- 8.58 Within Westminster there are 38 theatres: these have total seating capacity for over 40,000 people. The concentration of the majority of London's theatres in the West End has formed the traditional focus of its entertainment offer since Victorian times and is a unique asset. Most of the theatres occupy listed buildings: three are Grade I, ten are Grade II\* and sixteen Grade II. This contributes to part of their attraction as venues, and adds immeasurably to the special character of different parts of Central London. A trip to the theatre is often combined with shopping trips or visits to restaurants in the locality and so theatres help support these and other functions in the West End.
- 8.59 The City Council's Civic Renewal programme highlights the importance of London's 'Theatreland' and recognises some of the environmental problems which affect the area and which, if not adequately resolved, may discourage visitors from going to the theatre. It also recognises the difficulties which can be faced in upgrading theatre facilities to meet the needs of modern theatregoers whilst minimising adverse effects on theatrical heritage. The City Council will continue to work closely with the theatre industry and other

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agencies to seek to resolve these issues whilst ensuring the City's unique theatrical heritage is maintained.

- 8.60 It is vitally important to protect theatres for their importance to the cultural life of the country and for their valuable contribution to the character and function of the City. In recognition of this, the Theatres Trust has a statutory right to be consulted on any proposal affecting a theatre.

### **ARTS, CULTURE AND EDUCATION SPECIAL POLICY AREA**

#### **Aim**

- 8.61 To protect and enhance arts, culture and educational uses in the Special Policy Area, identified on map 8.1, whilst also protecting residential amenity.

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### **POLICY TACE 7: ARTS, CULTURE AND EDUCATION SPECIAL POLICY AREA**

- (A) The loss of arts, cultural and educational uses within the Arts, Culture and Education Special Policy Area will be resisted.**
- (B) The consolidation of arts, cultural and educational uses within the Arts, Culture and Education Special Policy Area will be supported where there would be no loss of existing housing and no adverse effects on residential amenity.**

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#### **Policy application**

- 8.62 The City Council has defined an Arts, Culture and Education Special Policy Area outside the Central Activities Zone, as illustrated on Map 8.1 and the Proposals Map, within which Policy TACE 7 will be applied. See also policy TACE 5 on arts and cultural uses and policy SOC 1 relating to community facilities in general, including educational uses.
- 8.63 The City Council will protect arts, cultural and educational uses in this Special Policy Area in recognition of their strategic role and contribution to the character and function of the area. The consolidation of these uses within the special policy area will also be supported where proposals do not result in the loss of existing housing or lead to adverse effects on residential amenity.

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### Reasons

- 8.64 The London Plan, paragraph 3.233, identifies the South Kensington Museums complex as a Strategic Cultural Area which should be protected and enhanced.
- 8.65 The area around Exhibition Road and Kensington Gore, defined on Map 8.1, contains a concentration of specialist and world-renowned arts and cultural facilities and forms a centre of excellence for higher education and research. The northern part of this Special Policy Area contains the Royal Albert Hall, the Albert Memorial and a number of other visitor attractions. The south of this area is dominated by Imperial College. Other educational institutions in the area include the Royal College of Arts, the Royal College of Music and the Royal Geographical Society. These uses are all Central London activities, as defined in Chapter 1, Table 1.1, which are located outside Westminster's Central Activities Zone.
- 8.66 These uses all add to the distinctive character and function of this part of Westminster and are also related to the adjacent South Kensington Museums Area defined in Kensington and Chelsea's UDP. However the area also contains residential areas, particularly to the east of Exhibition Road.

### ENTERTAINMENT USES (Policies TACE 8 to TACE 13)

#### Introduction

- 8.67 Policies TACE 8 to TACE 13 in this section of the chapter set out the Council's approach to the development and use of land for entertainment purposes, including Classes A3, A4, A5, D2 and Sui-Generis uses, outdoor eating and drinking, amusement centres and sex-related uses. Prospective applicants for planning permission for development involving entertainment uses are strongly encouraged to discuss their proposals informally with the City Council before making applications. This will enable the Council to gain a clear appreciation of proposals and will help developers to understand better the nature of the Council's concerns about the individual and cumulative impacts of these particular types of use, and to discuss potential ways of managing such impacts. Further guidance will be given on the application of policies TACE 8-10 in a forthcoming SPG on entertainment uses. Many entertainment uses require additional consents from the City Council under other legislation, including licensing. The City Council's Statement of Licensing Policy prepared under the Licensing Act 2003, is generally consistent with the policies set out in this plan.

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- 8.68 The policies on museums, art galleries, cinemas, concert halls and theatres are set out above in Policies TACE 5, TACE 6 and TACE 7. Policies on the protection of A1 uses are set out in Policies SS1 and SS3 through to SS9 of Chapter 7: Shopping and Services.

### **Importance of the Entertainment Industry**

- 8.69 The entertainment industry makes an important contribution to London as a 'world city'. Westminster, and the West End (including Covent Garden and Soho) in particular, has long had an acknowledged role as the nation's largest entertainment centre and a strategically important cluster of entertainment activity for London. In many ways, its dynamism is welcomed because it is a measure of the capital's cultural and economic success. However, fostering London's 'world city' status requires more than economic success. It also depends upon an attractive environment for residents, workers, visitors, investors and tourists and high quality residential areas.
- 8.70 The City Council recognises that the great variety of the city's restaurants and cafés, pubs and bars, music and dance facilities and casinos forms an important and valuable feature of life in Central London, and that this variety is an attraction for residents, workers, tourists and visitors. Entertainment and related cultural uses have both strategic and local importance in addressing the needs of London's diverse communities. These entertainment uses are closely linked to other functions of the city centre. For example, restaurants, cafés, pubs and bars are often visited by people making shopping, theatre and cinema trips and they thus support the shopping and traditional entertainment functions of the West End.

### **Recent growth and future trends**

- 8.71 The scale of entertainment uses in the city, particularly those open at night, increased rapidly in the ten years to 2002. The number of premises with music and dance licences rose from 136 in 1992 to 334 in 2002, and their capacity from 57,100 to 179,000. The number of premises with night café licences, those open after 11 pm, rose from 80 in 1992 to 155 in 2002, and their capacity from 7,100 in 1992 to 10,500 in 2002. In the city as a whole planning permission was granted in the period 1993 to 2002 for new developments and changes of use for an additional 147,000 sq m of floorspace in Use Class A3, with 87,700 sq m in the area identified in this chapter as the West End Stress Area. In addition planning permission was granted for a net addition of 48,400 sq m of Use Class D2 floorspace in the City in the period 1993 to 2002.
- 8.72 The entertainment industry is expected to continue its growth in the next ten year period. It is anticipated that there will be continued growth in income and consumer spending with an expected annual increase in disposable income

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of 2.5% in the UK. The consequences of this are likely to include longer, but more flexible, working days; increased value placed on leisure time; growth in the number of short breaks and day trips; and greater interest from large financial institutions in the leisure sector.

- 8.73 Changes to legislation governing some entertainment uses, casinos for example, are widely expected to facilitate their growth. In addition there is growing pressure within the industry for longer opening to maximise profits from expensive land resources and to meet the demand from and expectations of domestic and overseas customers. It is also anticipated that there will be increased demand for venues for music and dance purposes and for the use of outdoor space for eating and drinking.

### **Finding a balance**

- 8.74 There are, however, conflicts between the continuation of the role of the city as a late night entertainment centre and the protection of residential amenity and Westminster's unique character.
- 8.75 Largely because of the growth in entertainment uses, pavements in some parts of the city have become more congested, especially at night. Streets and premises have become increasingly hard to service with refuse and cleansing vehicles, particularly at night. Noise and vibration have increasingly affected residential uses. The incidence of crime and anti-social behaviour, including rowdiness and the fouling of footways and doorways, has increased, with additional demands being placed on various public services. In its turn, the fear of crime has increased.
- 8.76 The City Council's view is that a balance has to be struck between protecting and encouraging residential uses in the city centre, its importance as a location for business uses, and the role that parts of Westminster perform as places of late night entertainment. The Council is concerned that, if the balance within Westminster swings away from being a place where people wish to live and work because of noise, rubbish in the street, fear of crime and a general reduction of quality of life, it will not be possible for communities to become more sustainable. In addition, the Council is concerned that growth in the number of certain types of entertainment use has a clear potential to deter visitors to the West End, from within Britain and from overseas, who come to enjoy the special character of Westminster and the great range of arts and cultural facilities which the city offers. In its turn environmental decline can adversely affect existing commercial uses and deter new businesses.

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### The London Plan

- 8.77 The London Plan says, at Policy 3D.4, that UDPs should 'where appropriate, support evening and night time entertainment uses in Central London' and 'where appropriate, manage their impact through policies such as Entertainment Management Zones'. It recognises, at paragraph 3.236, that London's 'vibrant night-time economy is a major contributor to its world city status' and that 'there is increasing demand for services to be provided later in the evening.' It says that tackling 'the wide range of associated issues, especially that of disturbance, will require a real commitment to effective integrated action by a range of agencies.' It adds that 'Different approaches will be needed to address local circumstances, for example, refinement of the Entertainment Management Zone concept and the application of the Mayor's Ambient Noise Strategy and the emerging agenda for action on alcohol.' Although no Entertainment Management Zones are designated as such in this plan, the City Council's own local approach involves various initiatives with other agencies in areas where there are large numbers of entertainment uses to improve their environment and their management. These programmes conform generally with the strategy in the London Plan.
- 8.78 Policy 4A.14 in the London Plan seeks to reduce noise by various means, including 'containing noise from late night entertainment and other 24-hour activities, and where appropriate promoting well-managed designated locations'. Policy 5B.1 in the London Plan says that, in Central London, strategic priorities will be 'to promote and protect the vital mix of culture, government, leisure and commerce together with its historic buildings, housing, open spaces and public realm that are central London's unique attraction for residents, visitors and business.' At paragraph 5.19 the Plan says that 'the quality of new development should be worthy of one of the world's most interesting and attractive urban environments.' Paragraph 5.26 refers to concern to 'sustain and manage strategic clusters of entertainment activities in line with the broader objectives of the Plan.'

### **POLICIES TACE 8-10: ENTERTAINMENT USES**

#### **Aim:**

- 8.79 To control the location, size and activities of entertainment uses in order to safeguard residential amenity, local environmental quality and the established character and function of the various parts of the city, while acknowledging that they provide services to people living in, working in and visiting the City and contribute to its role as an entertainment centre of national and international importance.

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### General Scheme

- 8.80 All proposals for development involving entertainment uses will be assessed against the relevant policy identified in Table 8.1 below. Where a proposal involves an extension to premises, taking it from one size range in the table to another, the application will be assessed against the size of the premises including its proposed extension.

**Table 8.1: Classification of entertainment uses**

#### 1 Uses with less than 150 sq m of gross floorspace

| <i>Location</i> | <i>Restaurants, cafés (A3)</i> | <i>Pubs, bars (A4)</i> | <i>Takeaways (A5)</i> | <i>Other entertainment</i> |
|-----------------|--------------------------------|------------------------|-----------------------|----------------------------|
| 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

| <i>Location</i> | <i>Restaurants, cafés (A3)</i> | <i>Pubs, bars (A4)</i> | <i>Takeaways (A5)</i> | <i>Other entertainment</i> |
|-----------------|--------------------------------|------------------------|-----------------------|----------------------------|
| 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

| <i>Location</i> | <i>Restaurants, cafés (A3)</i> | <i>Pubs, bars (A4)</i> | <i>Takeaways (A5)</i> | <i>Other entertainment</i> |
|-----------------|--------------------------------|------------------------|-----------------------|----------------------------|
| City wide       | TACE 10                        | TACE 10                | TACE 10               | TACE 10                    |

Notes: In addition, all proposals will be assessed against other relevant policies in the Plan, including those in the Social and Communities chapter in relation to public toilets in the vicinity; in the Shopping and Services chapter relating to the vitality and viability of a shopping centre; in the Environment chapter relating to noise; and in the Urban Conservation and Design chapter relating to the prevention of crime and anti-social behaviour and the provision of safe and convenient access for all. For the purposes of this policy, CAZ frontages are treated as not falling inside the Central Activities Zone. Where hotels are to be used for late night functions or entertainments, Policy TACE 2 will apply. See Glossary for definition of gross floorspace and for further information on the entertainment uses (A3, A4, A5, D2 and Sui-Generis uses) within the amended Use Classes Order.

**POLICY TACE 8: ENTERTAINMENT USES WHICH WILL  
GENERALLY BE PERMISSIBLE**

- (A) As indicated in Table 8.1, Policy TACE 8 applies to proposals for restaurant and café uses of under 150 sq m of gross floorspace anywhere in the city; and to proposals for restaurant and café uses of between 150 and 500 sq m inside the Central Activities Zone outside the Stress Areas.**
- (B) Permission will generally be granted for proposals where Policy TACE 8 is identified as relevant in Table 8.1, where the City Council is satisfied that the proposed development has:**
- 1 no adverse effect, (nor, taking into account the number and distribution of entertainment uses in the vicinity, any cumulatively adverse effect) upon residential amenity or local environmental quality as a result of:**
    - a) noise**
    - b) vibration**
    - c) smells**
    - d) increased late night activity, or**
    - e) increased parking and traffic; and**
  - 2 no adverse effect on the character or function of its area.**
- (C) In considering applications for planning permission for such uses the Council will take into account the need for conditions, and where relevant, necessary and appropriate, will impose them to control**
- 1 the number of customers who may be present on the premises**
  - 2 the opening hours**
  - 3 the arrangements to be made to safeguard amenity and prevent smells, noise and vibration disturbance (including that from the use of ventilation and air conditioning plant) from the premises**
  - 4 servicing arrangements**

- 5 arrangements for the storage, handling and disposal of waste, recyclable materials and customer litter**
  - 6 the positioning of tables and chairs in open areas within the curtilage of the premises (see also Policy TACE 11)**
  - 7 changes of use to other uses and activities within the same Use Class.**
- 

**POLICY TACE 9: ENTERTAINMENT USES WHICH MAY BE PERMISSIBLE**

- (A) As indicated in Table 8.1, Policy TACE 9 applies to proposals for public houses and bars, takeaways and other entertainment uses of under 150 sq m of gross floorspace anywhere in the city; to proposals for restaurants, cafés, public houses and bars and other entertainment uses of between 150 and 500 sq m of gross floorspace outside the Central Activities Zone; and to proposals for public houses and bars, takeaways and other entertainment uses of between 150 and 500 sq m of gross floorspace inside the Central Activities Zone outside the Stress Areas and to proposals for restaurants and café uses of between 150 and 500 sq m of gross floorspace inside the Stress Areas.**
- (B) Permission will only be granted for proposals where Policy TACE 9 is identified as relevant in Table 8.1, where the City Council is satisfied that the proposed development has:**
- 1 no adverse effect, (nor, taking into account the number and distribution of entertainment uses in the vicinity, any cumulatively adverse effect) upon residential amenity or local environmental quality as a result of:**
    - a) noise**
    - b) vibration**
    - c) smells**
    - d) increased late night activity, or**
    - e) increased parking and traffic; and**
  - 2 no adverse effect on the character or function of its area.**

- (C) In reaching decisions on applications for planning permission for these uses, the Council will have particular regard to:**
- 1 the number of customers who may be present on the premises**
  - 2 the opening hours**
  - 3 the arrangements to be made to safeguard amenity and prevent smells, noise and vibration disturbance (including that from the use of ventilation and air conditioning plant) from the premises**
  - 4 servicing arrangements**
  - 5 arrangements for the storage, handling and disposal of waste, recyclable materials and customer litter**
  - 6 the positioning of tables and chairs in open areas within the curtilage of the premises. (See also Policy TACE 11.)**
- (D) Where necessary and appropriate, the City Council will impose conditions to control these and other relevant aspects of the use of premises, including changes of use to other uses and activities within the same Use Class, in order to minimise adverse effects.**

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**POLICY TACE 10: ENTERTAINMENT USES WHICH WILL BE PERMISSIBLE ONLY IN EXCEPTIONAL CIRCUMSTANCES**

- (A) As indicated in Table 8.1, Policy TACE 10 applies to proposals for takeaways of between 150 and 500 sq m outside the Central Activities Zone; to proposals for public houses and bars, takeaways and other entertainment uses of between 150 and 500 sq m of gross floorspace in the Stress Areas; and to proposals for any entertainment use of greater than 500 sq m of gross floorspace anywhere in the city.**
- (B) Permission will be granted for proposals where Policy TACE 10 is identified as relevant in Table 8.1 only in exceptional circumstances**
- (C) Where, in exceptional circumstances, the City Council decides to grant planning permission for large or very**

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**large entertainment uses, it will, where necessary and appropriate, impose conditions to control**

- 1 the number of customers who may be present on the premises**
- 2 the opening hours**
- 3 the arrangements to be made to safeguard amenity and prevent smells, noise and vibration disturbance (including that from the use of ventilation and air conditioning plant) from the premises**
- 4 servicing arrangements**
- 5 arrangements for the storage, handling and disposal of waste, recyclable materials and customer litter**
- 6 the positioning of tables and chairs in open areas within the curtilage of the premises**
- 7 changes of use to other uses and activities within the same Use Class**
- 8 other relevant aspects of the use of premises, in order to minimise adverse effects.**

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### **POLICY APPLICATION**

#### **The uses covered by these policies**

8.81 Entertainment uses comprise the following:

a) *restaurants and cafés (A3)*: uses where the primary activity is the preparation and sale of food for consumption on the premises. In some cases these uses will involve the sale of alcohol to customers for consumption with their meals;

b) *public houses and bars (A4)*: uses where the primary activity is the sale by retail of alcohol for consumption on the premises; or the supply of alcohol by or on behalf of a club to, or to the order of a member of the club for consumption on the premises. This category also includes food and drink premises where the primary activity varies during opening hours, for example, from restaurant or café during the day to the sale of alcohol in the evening and at night;

c) *takeaways (A5)*: uses where the primary activity is the sale of hot food for consumption off the premises, or where there is a dual use comprising partly restaurant or café and partly takeaway;

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d) *other entertainment uses*: these include uses where the primary activity is use as a nightclub, live music and dance venue, discotheque, entertainment centre, dance hall, casino or bingo hall. These are mostly uses where the greatest attendances occur during the evening or at night. Some of these uses fall within Use Class D2 (Assembly and Leisure) and others are Sui-Generis.

8.82 The classification of entertainment uses into three threshold categories as outlined in Table 8.1 reflect the use classes order changes. Nightclubs and casinos which are now sui-generis uses are classified as 'other entertainment uses'. The threshold size categories have been established based on analysis carried out by the City Council into the impacts of growth in entertainment across the city and consideration of implementing the aim of these policies as outlined in paragraph 8.79. The City Council aims to control the location, size and activities of entertainment uses across the city. The policies which apply to each type of entertainment use have been allocated having regard to the potential impacts of each type of use.

### **Adverse effects**

8.83 When assessing the potential adverse effects of a proposal, including proposals to extend the opening hours of entertainment uses, the City Council will, where appropriate take the following matters into account:

- a) *in relation to the development proposed:*
- 1 the gross floorspace to be occupied by the proposed use;
  - 2 its capacity, in terms of covers, standing customers or similar measurement;
  - 3 the type of use proposed [for example restaurant, café, takeaway, bar, casino, bingo hall, etc, or a combination of these uses];
  - 4 the proposed opening hours;
  - 5 the provision of effective measures to prevent smells, noise and vibration disturbance arising from the premises, including that from the use of ventilation and air-conditioning plant;
  - 6 the servicing arrangements, including the times when this will be undertaken;
  - 7 arrangements for the storage, handling, and disposal of waste, recyclable materials and customer litter;
  - 8 the positioning of any tables and chairs in open areas within the curtilage of the premises;
  - 9 the appearance of ventilation and air conditioning plant and ducting;
  - 10 any supporting statement provided by an applicant in respect of the management of a use;

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- b) *in relation to the immediate surroundings:*
  - 1 its proximity to residential uses, and their number;
  - 2 the existing level of night time activity;
  - 3 the existing levels of night time disturbance and anti-social behaviour;
  - 4 the number of existing and proposed entertainment uses in the vicinity and their opening hours;
  
- c) *in relation to the locality as a whole:*
  - 1 the number of residential uses;
  - 2 the character and function of the area;
  - 3 its effects on parking and traffic circulation;
  - 4 the availability of night time public transport and its capacity to carry customers and staff after the premises have closed at night.

8.84 *Size and capacity* The City Council considers that larger entertainment uses can have a disproportionate impact on residential amenity and local environmental quality and can contribute to the loss of local character and unacceptably change the function of areas. Broadly speaking, the largest entertainment premises (those with over 500 sq m of gross floorspace) generate the largest attendances. They thus have the greatest potential to generate noise and disturbance in streets nearby, to affect adversely the living conditions of residents and local environmental quality, and to bring unacceptable changes to the character or function of areas.

8.85 *Type of use* The City Council recognises that there can be considerable variation between the uses within a Use Class in terms of their effects on the local environment and residential amenity. In Use Class A3, for example, restaurants with a waiter service, tend to have fewer adverse effects than cafés used by large numbers of customers. In Use Class D2, bingo halls, gymnasiums and swimming baths generally have a lesser impact on the environment and residential amenity than a concert hall. Nightclubs and casinos are now Sui-Generis uses, the latter currently contribute little to disorder and other adverse effects. The City Council will have regard to these matters in reaching decisions on planning applications.

8.86 *Opening hours* In granting planning permission for new entertainment uses, or extensions to premises accommodating entertainment uses, the Council will impose conditions to limit the opening hours of such uses. By opening hours, the Council refers to the hours when customers are to be permitted to be present on the premises.

8.87 Because of the variety in the characteristics of entertainment uses and great variations in the pattern of land use in the city, it is not appropriate for the

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authority to set widely applicable hours for entertainment premises to close. The City Council sets out provisions in relation to opening hours in its Statement of Licensing Policy. In considering applications involving entertainment uses, the City Council will take into account the following factors:

- a) *in relation to the development proposed*
  - 1 the gross floorspace to be occupied by the proposed use;
  - 2 its capacity, in terms of covers, standing customers or similar measurement;
  - 3 the type of use proposed [for example, restaurant, café, takeaway, bar, casino, bingo hall, etc, or a combination of these uses];
  - 4 the provision of effective measures to prevent smells, noise and vibration disturbance arising from the premises, including that from the use of ventilation and air-conditioning plant;
  - 5 the servicing arrangements, including the times when this will be undertaken;
  - 6 any supporting statement provided by an applicant in respect of the management of a use;
  
- b) *in relation to the immediate surroundings*
  - 1 its proximity to residential uses, and their number;
  - 2 the existing level of night-time activity;
  - 3 the existing levels of night-time disturbance and anti-social behaviour;
  - 4 the number of existing and proposed entertainment uses in the vicinity and their opening hours;
  
- c) *in relation to the locality as a whole:*
  - 1 the character or function of the area, including the number of residential uses;
  - 2 the availability of night time public transport and its capacity to carry customers and staff after the premises have closed at night.
  - 3 the benefit which might arise from entertainment premises in a locality having different closing times.

8.88 The Council's approach seeks to operate its controls as a local planning authority and as a licensing authority in a generally consistent way. As a general rule, the Council expects that, in entertainment uses in predominantly residential areas, it will impose planning conditions that no customers will be allowed to remain on the premises after midnight on Sundays (other than those immediately preceding Bank Holidays) to Thursdays, and after 12.30 a.m. on the following morning on Friday and Saturday nights and on Sundays

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immediately preceding Bank Holidays. An earlier closing time may be sought where there are residential uses in immediate proximity.

### **Cumulative adverse effects**

- 8.89 In some parts of the city, particularly in the Stress Areas, there are significant numbers of entertainment premises close together. In such circumstances the City Council will consider whether any additional entertainment proposal, when taken alongside others nearby, will adversely affect residential amenity, local environmental quality, or the character or function of the surrounding area. The Mayor of London's Cultural Strategy, whilst supporting the diversification of the evening economy and recognising that entertainment can encourage and support a whole range of creative industries and skills, recognises the demands the evening economy can make on public services and their effects on local residents.

### **Character and function**

- 8.90 The Central Activities Zone (CAZ) is described in Chapter 1, paragraphs 1.8 and 1.9 of this Plan, and its extent is shown on Map 1.1 and on the Proposals Map. The CAZ Frontages (see Policy CENT 2) are described in paragraph 1.49 of the Plan and shown on Map 1.1 and the Proposals Map. A general description of the character and function of each of the sub-areas of the CAZ is given in Chapter 1, paragraphs 1.10 to 1.31 of this Plan. The City Council published supplementary guidance in December 2001, Central Activities Zone: Area Profiles, giving further details of the character and function of the component parts of the Central Activities Zone. The City Council intends to replace this with new supplementary planning guidance in due course. Much of the central part of the city falls within Conservation Areas: in determining planning applications, the City Council is required by law to pay special attention to the desirability of preserving or enhancing the character and appearance of such areas.

- 8.91 Areas in the centre of the city also vary in terms of:
- a) the prevailing pattern, mix and intensity of land use;
  - b) the physical characteristics of the building stock and public spaces;
  - c) the number, distribution and demographic characteristics of the resident population;
  - d) the patterns of pedestrian and vehicle movement, particularly at night, and the accessibility and availability of public transport;
  - e) the scale and other characteristics of crime and anti-social behaviour;

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- f) the scale and character of commercial activity, including entertainment;
- g) the balance between residential, entertainment and employment land uses;
- h) specialist clusters of activity.

These attributes will be taken into account when assessing an application in relation to the character and function of an area.

### **Stress Areas**

- 8.92 Three Stress Areas have been designated in the city. These are in the West End, along part of Edgware Road, and in part of Queensway and Bayswater. Maps 8.2, 8.3 and 8.4, which show the extent of these Stress Areas, are included at the end of this chapter.
- 8.93 Stress Areas are areas where the City Council considers that the numbers of restaurants, cafés, takeaways, public houses, bars and other entertainment uses have reached a level of saturation. The City Council considers that such uses are concentrated in these areas where harm is being caused because of loss to residential amenity, impacts on other commercial uses, adverse effects on the local environment and inappropriate change to their character and function.
- 8.94 In the Stress Areas, additional entertainment premises, some extensions to existing premises, and extensions of opening hours of larger premises until late in the night will be considered, in most instances, to add to the problems in those areas. Only proposals for small uses, those with less than 150 sq m of gross floorspace, will generally be permitted and they will be expected to meet all the criteria set out in TACE 8 (B) and (C). The City Council recognises that restaurants and cafés generally have adverse amenity effects which are less than other entertainment uses. Appropriate and reasonable conditions will be imposed to limit adverse effects, in order to safeguard residential amenity and local environmental quality and to protect the character or function of these areas.

### **Exceptional circumstances**

- 8.95 In applying Policy TACE 10, each case will be considered on its individual merits having regard to all material considerations. The exceptional circumstances taken into account may include:

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- a) a general reduction in adverse effects on residential amenity and local environmental quality when compared with the existing activity on the site;
- b) the retention of a use which has a long-standing association with the area, or makes a major contribution to its character or function;
- c) the retention of a valued Central London activity which is of national or international importance;
- d) proposals which are shown to be necessary to improve health and safety standards, or access for disabled people;
- e) the provision of restaurants and cafés on the second floor and above in Oxford Street, Regent Street and Piccadilly;
- f) in the Paddington and the North West Westminster Special Policy Areas, the achievement of regeneration benefits.

8.96 In assessing the adverse effects in point a) above, the City Council will take into account the matters listed in paragraph 8.83 at point a) 1 to 10; point b) 1 to 4; and point c) 1 to 4.

### **Reasons**

#### **Adverse effects**

8.97 The numbers of restaurants and cafés, takeaways, pubs and bars and music and dance venues in the city have increased in the last ten years, particularly in the central part of the city. National and London-wide policy seeks to locate more housing throughout the city. The London Plan also seeks to promote evening and night-time entertainment activities where appropriate in central London, city fringe areas and town centres whilst managing their impacts. The growth in entertainment activity as a whole, particularly its expansion at night, conflicts with the use of Central London for residential purposes and with the function of parts of the city as a centre for tourism, artistic and cultural uses. Pavements have become more congested, and streets and premises have become harder to service with refuse and cleansing vehicles. Restaurants and cafés can cause smells, noise and disturbance from the operation of ventilation and air conditioning equipment, outdoor eating and increased late-night activity, including cabs sounding their horns and car doors slamming. Takeaways can cause additional litter, traffic and parking problems and can generate late-night pedestrian and vehicle activity, including noise from cars and motorcycles providing home delivery services. Some catering uses can cause problems with waste and litter, particularly if storage facilities are inadequate. Noise and vibration from music and dance venues and from their

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customers in the street, can bring disturbance. In some cases, extensions, the introduction of additional uses to premises and extended hours can add to all these problems and have an adverse effect on residential amenity and the local environment. In places, environmental decline adversely affects existing commercial uses and may deter new businesses.

- 8.98 Good management, the use of planning conditions, and the operation of controls under other legislation can lessen the adverse effects of entertainment uses. Nevertheless, the size and type of entertainment uses can have a critical effect on the degree of harm caused to residential amenity, other commercial uses, local environmental quality and the established character and function of an area. Policies TACE 8, TACE 9 and TACE 10 therefore represent different levels of response proportionate to the adverse effects of the entertainment use, the size and customer capacity of the premises, and its location.
- 8.99 The City Council considers that the type of entertainment use, its size and customer capacity, its proposed location, and its opening hours are the major factors in determining the extent of adverse effect a proposed entertainment use can have on residential amenity, other commercial uses, local environmental quality and the established character and function of areas. Where it is appropriate to grant permission to an application, the City Council will impose conditions to safeguard residential amenity, local environmental quality and the character or function of an area. These conditions may include limiting changes of use within a Use Class.

### **Cumulative adverse effects**

- 8.100 The cumulative consequences of the growth of many additional entertainment uses, operating at night in concentrated areas, have had a great effect on parts of the city. In parts of the West End, for example, the large numbers of people attracted and the late hours now kept by many entertainment uses and attractions are not generally compatible with residents' right to the peaceful enjoyment of their homes. (See paragraph 1.3 of the Introduction to Part 1 of this Plan which refers to the Human Rights Act 1998.) Cumulatively, entertainment uses have changed the character and function of some areas. It is therefore appropriate for the City Council to take into account cumulative effects in reaching decisions on entertainment proposals.

### **Character and function**

- 8.101 Policy 5B.2 in the London Plan requires that in the Central Activities Zone, boroughs 'should accommodate commercial development associated with business, tourism' and other related uses, 'subject to the protection of housing and identified special policy areas.' The Plan requires the City Council to take into account, among other things, 'local amenity and land use

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mix.’ Policy 5B.3 says that special policy areas should protect and support ‘clusters of specialist activity’ in and around the Central Activities Zone. Policy 3D.4 says that UDPs ‘should identify, protect and enhance Strategic Cultural Areas and their settings’, such as the West End, Soho and Covent Garden. The control of entertainment uses, particularly in relation to night time activities, is consistent with those objectives, and with the broader aim of increasing the amount of housing throughout the city. As indicated above, the City Council will prepare new supplementary planning guidance dealing with the character and function of appropriate parts of the city.

### **Stress Areas**

- 8.102 The growth in night time activity and its associated environmental ‘stress’ is most evident in the West End, in parts of the Edgware Road and in parts of Queensway and Bayswater. In these areas there are high levels of night time noise and vibration from premises, noise from pedestrians and vehicles, degradation of the local environment from refuse and litter and from street fouling, and at times significant levels of street disorder after dark.
- 8.103 The City Council considers that the West End, Edgware Road and Queensway/Bayswater areas have become saturated with entertainment uses and their environment and character is being adversely affected. In order to prevent further deterioration, the City Council has designated a West End Stress Area (see Map 8.2), an Edgware Road Stress Area (see Map 8.3) and a Queensway/Bayswater Stress Area (see Map 8.4). In these areas the City Council will seek to control the growth of entertainment uses carefully, particularly larger uses which attract large numbers of people, as these have potential to contribute most to the adverse effects referred to in paragraph 8.97 above. There are areas adjoining these Stress Areas, e.g. the core area of St James’s, which may experience pressure for growth in entertainment uses, and will therefore need to be kept under review as part of the monitoring programme.

### **Exceptional circumstances**

- 8.104 Policy TACE 10 recognises that there may be particular circumstances where large or very large entertainment uses could be accommodated in the city because of the balance of advantage which might accrue. A list of possible exceptional circumstances is given in paragraph 8.95.
- 8.105 Away from the central part of the city, however, residents expect that there should be controlled levels of night time activity, and the City Council will protect neighbourhoods beyond the Central Activities Zone from receiving inappropriate outward growth of larger entertainment uses from the CAZ. The Council will support arrangements which will encourage the dispersal of larger entertainment uses to appropriate areas outside Westminster.

### Opening hours

- 8.106 The City Council takes the view that the hours during which an entertainment use operates, and in particular its closing time, can have a major influence on the extent of any adverse effects which a use has on residential amenity, local environmental quality and the character and function of an area. Whilst some entertainment premises do not open late at night, many wish to do so. In order to limit the adverse effects caused and to manage late night activity in the city, the City Council will limit the opening hours of entertainment premises in all appropriate instances and particularly in predominantly residential areas. The City Council sets out provisions in relation to opening hours in its Statement of Licensing Policy.

### **POLICY TACE 11: TABLES AND CHAIRS ON THE FOOTWAY**

#### **Aim**

- 8.107 To provide clear guidance on the use of tables and chairs on the footway and at the same time seek the improved appearance, attractiveness, and safety of shopping streets in Westminster whilst safeguarding the environment, and the working of the public highway, maintaining free and safe passage for pedestrians, and protecting residential amenity and the established character and function of various parts of the city.

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### **POLICY TACE 11: TABLES AND CHAIRS ON THE FOOTWAY**

- (A) Planning permission for the provision of tables and chairs, on the footway will only be granted when such developments (including any means of enclosure that may be required by the relevant licensing authority) will not:**

- 1 unacceptably intensify an existing use**
- 2 cause obstruction**
- 3 endanger pedestrians and wheelchair users**
- 4 cause or exacerbate a problem with refuse storage or street cleansing**
- 5 have a detrimental effect on the character and appearance of the area, or the setting of a listed building**
- 6 cause a nuisance to residents**
- 7 harm the amenity of the area**
- 8 create opportunities for crime.**

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- 8.108 The City Council will require all applications to be accompanied by a plan clearly showing the extent and nature of the proposed development. If permission is granted the Council will mark out the appropriate areas on the ground, or the applicant may be required to maintain an appropriate method of enclosure. The City Council will monitor adherence to these areas. All applicants will also require a temporary street trading licence. Guidance notes for making applications for planning permission and temporary street trading licences for tables and chairs on the public highway' are available from the City Council's Licensing Service. In granting a street trading licence standard conditions will be attached to such licences. These conditions will include, but are not limited to:
- a) controls on the number and design of tables and chairs and other furniture;
  - b) requirements to keep the area clean and tidy, including the washing down of the pitch area and the highway in the immediate vicinity, at the end of each days use; and
  - c) hours of use
  - d) no use of any radio, cassette player or other equipment or apparatus to produce music in the licensed area or within the immediate vicinity.
- 8.109 If the proposal is to include the use of space heaters applicants will be required, through the licensing process, to submit a formal risk assessment, as required by the Management of Health and Safety at Work Regulations 1992.
- 8.110 The City Council will have regard to the proximity to residential accommodation and will not normally permit tables and chairs outside premises that have upper floors in residential use. The hours of operation of the premises will also be taken into account and some applications may be limited to specified times to prevent loss of amenity to neighbouring residents. Tables and chairs will not normally be permitted outside premises beyond 11pm, even if the premises are licensed to operate beyond this time. The level of pedestrian movement will be taken into account when assessing applications. Where the proposal would unacceptably intensify an existing use and cause or exacerbate a problem with refuse storage, or unacceptably increase noise levels, it will not be permitted. Intensification of an existing use occurs when the level of activity of a premises increases, for example by increasing capacity or extending opening hours. The City Council will take particular care to ensure that the provision of tables and chairs on the highway will in no way adversely affect the setting of any listed building or the special architectural or historic character of an area. Any proposed schemes for alteration of the highway will also be taken into account when assessing applications. The City Council will also consider whether the design and

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layout of the proposal would create unnecessary opportunities for crime, such as handbag theft. Suitable layout and design measures to minimise opportunities for crime will need to be considered.

### Reasons

- 8.111 It is recognised that *al fresco* eating and drinking is popular and can provide opportunities for visitors, residents and workers to experience and contribute to the vibrancy and character of an area. The introduction of tables and chairs on the footway outside shops and eating and drinking premises can provide a pleasant facility for shoppers. However, they can also unacceptably intensify an existing use; cause obstruction to pedestrians, particularly the less mobile; obstruct entrances and fire exits; afford opportunities for crime; impair road safety; make street cleansing difficult; impede rubbish collection; lead to a loss of residential amenity through increased noise levels, especially at night; and have a detrimental effect on the character and appearance of the area.

## **POLICY TACE 12: AMUSEMENT ARCADES AND CENTRES**

### **Aim**

- 8.112 To control the location of amusement arcades and centres.

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## **POLICY TACE 12: AMUSEMENT ARCADES AND CENTRES**

- (A) Inside the CAZ planning permission will not be granted for amusement arcades and centres near residential properties, schools, places of worship, hospitals, or other community uses. In other locations in the CAZ, permission will only be granted if the proposal will not have a detrimental effect on any of the following:**
- 1 the amenity, character and function of the area**
  - 2 parking and the free flow of traffic**
  - 3 the visual amenity of a conservation area or other places of special architectural or historic character**
  - 4 the vitality and viability or the character of a retail frontage levels of noise and disturbance.**
- (B) Permission will not be granted for amusement arcades or centres outside the CAZ.**
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### Policy application

- 8.113 This policy applies to premises whose main function is having machines or games which customers use money or tokens to play for amusement or gambling purposes. It does not cover 'entertainment centres' such as ten-pin bowling centres, 'Sega World', 'Quasar' centres, or bingo halls. These types of use are covered under policies TACE 8 to TACE 10.
- 8.114 Applications for amusement arcades and centres outside the CAZ will not be granted. Inside the CAZ or on the CAZ Frontages, such uses will not normally be permitted, and applicants will need to demonstrate that their proposals will not have a detrimental effect on the environment or amenity of an area. Where planning permission is granted, conditions will be imposed relating to hours of opening, access for people with disabilities, provision of shopfronts, and where appropriate, structural changes to minimise disturbance, such as the installation of sound-proofing and self-closing doors, see policy ENV 6.
- 8.115 Applications for amusement arcades and centres will be considered in the context of policies SS 1, SS 3 and SS5 in Chapter 7.

### Reasons

- 8.116 Amusement arcades and centres can have a harmful effect on neighbouring activities, particularly residential. Outside the Central Activities Zone, almost all locations are residential, and most are in close proximity to schools, places of worship, hospitals or other community uses. Amusement arcades and centres are incompatible with these uses.

## SEX-RELATED USES

### Aim

- 8.117 To ensure that sex-related uses are confined to a limited area within the CAZ.

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### POLICY TACE 13: SEX-RELATED USES

**(A) Planning permission for sex-related uses will not be granted throughout Westminster but in exceptional circumstances will be considered in the area shown on Map 8.5. Within this area applicants will have to demonstrate that there will be no adverse effects on:**

- 1 residential amenity**
- 2 community facilities, such as places of worship, schools, community centres, public buildings or facilities of a similar nature.**

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- 3 the amenity, character and function of the area, including local shopping parades**
- 4 parking and the free flow of traffic.**

**(B) Where planning permission is granted for such uses the City Council will impose conditions, for example relating to opening hours and window displays, in order to protect the amenity of residents and the general environment.**

**(C) Where planning permission is granted for new entertainment uses involving music and dancing, or as a cinema or theatre, conditions may be imposed to prevent the premises being used for sex-related activities.**

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### **Policy application**

- 8.118 Sex-related uses are not distinctly defined in land use planning terms and may fall within Use Class A1 (Shops), D2 (Assembly and leisure), A3 (Restaurants and cafés) or A4 (Drinking establishments), depending on the nature and type of activity carried out on the premises. (See also Glossary). This may limit the ability of the City Council to control such activities under planning legislation. However, in controlling sex-related activities through its statutory powers the City Council will have regard to the overall land use aims and policies in the Plan. This policy and other policies in the Plan will be held to be material considerations when considering applications for both planning permission and licences.
- 8.119 The City Council has set a limit of a maximum of sixteen licensed sex establishments in the area defined on Map 8.5. Planning permission and licensing consent for new sex-related uses such as sex encounter or peep shows will therefore only be granted in exceptional circumstances where the location of the use is compatible with the character of the area and adjoining activities, will not cause nuisance to local residents and is in the area marked on Map 8.5. Where planning permission is granted for an entertainment use and sex-related activities could be introduced without the need for further planning permission, a condition may be imposed to prevent this happening.
- 8.120 Where premises are used to provide sex-related activities such as striptease or table-side dancing, and these activities take place as part of, or associated with, public music or music and dancing, then a public entertainment licence is needed together with a waiver of the condition prohibiting striptease and other activities involving nudity, known as a Rule 4(a) waiver. The City Council has set a guideline figures of eight such waivers attached to entertainment licences within the area defined on Map 8.5, three in Mayfair

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and one each in Covent Garden, St James's and South Marylebone. The view of the City Council is that waivers of Rule 4(a) should not be granted in respect of premises outside the Central Activities Zone.

### **Reasons**

- 8.121 Because of the sexual nature of the services they offer, some uses, including certain bars, and some book and video shops, require a sex establishment licence under the Local Government (Miscellaneous Provisions) Act 1972. The sexual nature of the activities associated with these uses means they can have a significant impact on the character and function of an area and residential amenity and can adversely affect those living nearby. The nature of many premises used for sex-related activities is often evident from the exterior of the premises despite the City Council imposing conditions restricting window displays. Such premises partly because of the imposition of conditions often have obscured windows. These can result in 'dead frontages' which degrade the visual amenity of streets and can undermine the vitality and viability of shopping streets. These uses lead to the attraction of customers from outside the local area and this can result in increased fear of crime and personal safety amongst local residents. For these reasons the City Council considers that sex-related uses are inappropriate outside the CAZ and in the more residential streets within the CAZ. They are also generally incompatible with certain other uses particularly those used by families and children such as schools, youth clubs, community and sports centres and places of worship.
- 8.122 Where relevant, the imposition of appropriate conditions attached to planning permissions for new entertainment uses will enable the City Council to help control the use of venues, such as cinemas and live music and dance venues, for sex-related activities.

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