

# MAYOR OF LONDON

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## AN A-Z OF PLANNING AND CULTURE



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Greater London Authority

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## Introduction

Great cities are defined by their culture.

They are defined by their history – through their local heritage, museums and archives, historic buildings, festivals, food and local traditions. But a great city is also defined by its contemporary culture – its artists and arts venues, film and television, music and games, photography and crafts, fashion and design, and its buzzing informal offering from skate parks to restaurants, pubs and night clubs. Great cities are also defined by their ambitions for the future.

So when we talk about ‘culture’ we mean all of the above.

There are many ingredients to a successful city: housing, job opportunities, good public transport. But it’s a city’s unique cultural life that gives it its USP on the global stage. London’s culture is as important as finance and trade in helping to attract and retain the most talented people.

As the founder of Wikipedia, Jimmy Wales said: ‘In the US, Washington is Politics, LA is Hollywood, San Francisco is Tech, New York is advertising and finance, but London is all of those things.’

But London is also growing rapidly. Planning for this future growth is putting pressure on our existing cultural assets. This is creating challenges for our city’s future as a great cultural capital. There are fears about pubs, cinemas and other cultural venues under threat. There are concerns too about whether artists, designers and other creative talent can continue to live and work in our great city.

London has 103 fewer nightclubs and live music venues than it did in 2007<sup>1</sup>, a decline of almost a third. The capital is set to lose 3,500 artist studios<sup>2</sup> in the next five years. That equates to a loss of a third of the capital’s creative workspace.

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1. Live Music Venues Audit, Music Venues Taskforce, April 2015

2. Artists’ Workspace Study July 2014

The planning system plays a vital role in helping make sure we get the right balance. From planning frameworks to assets of community value, there are many ways the planning system supports and sustains culture.

This short guide aims to demystify the myriad ways the planning process can do this. The 13 case studies illustrate the variety of approaches – from agent of change to section 106. We have also suggested the ‘Magnificent Seven’ steps stakeholders can take to continue shaping London’s planning system into the most pro-cultural city in the world. Developers too are increasingly realising the benefits of culture in terms of its ability to add value, support place-making and offer a point of difference.

This guide is for the people and organisations shaping London’s future. It is for councils, developers, planners, community groups and people involved in cultural bodies.

We hope that it highlights the practical planning tools at our disposal. We need to provide new homes, jobs and infrastructure in London. At the same time, we can work even more closely together to nurture and grow the diverse culture and creativity that will help our city to thrive.

‘Culture and creativity are key to London’s success, as a place to live in, to work, to study and to visit. But as our city continues to grow and prosper, there is increasing concern that those qualities are under threat, with artists and other creative talent finding it more difficult to find affordable places to live and work in. It is vital we ensure our artists, creatives and innovators are not squeezed out. This report shows how to make culture integral to all thinking about planning and development and the steps that can be taken to protect London’s reputation as one of the world’s great cultural capitals.’

**Boris Johnson**  
Mayor of London

## Challenges and opportunities for the capital

Culture is as important to London's success as finance and trade. The Mayor's World Cities Culture Report shows us that this is now the case in cities all over the world. In fact, 8 out of 10 people cite culture as a reason to come to London. Tourists now spend £13 billion in London every year. Or put another way – the British Museum gets more visitors than Belgium!

Culture is vitally important to the people who live and work here. Ask any Londoner if they have a favourite restaurant or theatre or even street. Culture encourages a sense of belonging and connection in the capital. It shapes our experience and defines who we are.

Culture also adds value to where we live. We know that people value living in areas of the capital that offer good architecture, design and character. Properties in conservation areas sell for 23 per cent more than other houses. Even when other factors are adjusted for – such as location and type of property – there is still a premium of around nine per cent for houses in conservation areas and they show a greater appreciation in value than those in other areas<sup>3</sup>.

However, London's population is at a historical all time high with 8.6 million inhabitants. London's population is projected to grow to 11.3 million inhabitants by 2050 – an increase of 37 per cent from 2011.

In addition, London is now the most visited city in the world, with 18.82 million visitors projected in 2015. By 2022, visitor numbers are forecast to increase to around 21 million.

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3. An Assessment of the Effects of Conservation Areas on Value, Historic England, 2012

City Hall estimates that in order to accommodate such a rapid increase London will need:

- 1.5 million more homes
- 600 more schools and colleges
- 50 per cent increase in public transport capacity
- 20 per cent increase in energy supply capacity
- 9,000 more hectares of accessible green space
- 10 per cent more green cover in central London<sup>4</sup>

The challenge for London is to accommodate this growth while maintaining what has made the city such a successful place to live, work and visit. If managed successfully, change will feel organic. Residents and business owners will feel that they are effecting change, not just passively affected by it.

### About this guide

This guide will show how the planning process can help to support and sustain culture.

It is intended to give an overview only and does not set out new planning policy or guidance.

It is aimed at those people and organisations who can effect 'pro-cultural planning' in London: cultural and community groups, developers, councillors and officers, planners and planning committees.

The guide will help to make planning terminology and processes more accessible. The case studies set out real-world examples of the many ways planning can support culture.

The 'Magnificent Seven' shows seven practical steps for stakeholders to work more closely together to sustain and support culture in London.

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4. London Infrastructure Plan 2050, GLA

## An A-Z of planning and culture

### Section 1

#### Embedding culture within planning

- ◆ From national to local plans – the ‘golden thread’ of sustainable development
- ◆ The London Plan – a strategic vision for the capital
- ◆ The local plan – how local authorities publish their vision for development
- ◆ Planning frameworks – knitting key sites together
- ◆ The neighbourhood plan – how communities shape their own neighbourhoods
- ◆ Section 106 – adding value to development



## From national to local plans – the ‘golden thread’ of sustainable development

The government’s National Planning Policy Framework (NPPF) is a set of national planning policies for England. It introduces “a presumption in favour of sustainable development”.

Development is “sustainable”<sup>5</sup> if it improves the quality of life now without damaging the quality of life of future generations.

According to government, the presumption in favour of sustainable development should be seen as a “golden thread running through both plan-making and decision-taking”. In other words, “it is the purpose of planning to help achieve sustainable development, not development at any cost. To this end [the NPPF] contains strong safeguards to conserve and enhance our valuable natural and historic environment.”<sup>6</sup>

The “golden thread” of sustainable development runs from national to local plans in

a hierarchy of plans – each layer taking into account the policies of the layer above.

In London, the Mayor is responsible for producing a strategic plan for the capital. The Mayor’s London Plan must be in line with the NPPF.

Local authorities produce local plans for their areas. These must be in line with the Mayor’s London Plan.

The government has also stated that it “wants to see planning decisions taken at the lowest level possible.” Therefore, local communities can now produce neighbourhood plans. These must be in line with the borough’s local plans.

All levels of plans are published following consultation with the local community and an examination in public.

5. Ministerial Foreword to The Government’s National Planning Policy Framework, March 2012

6. Plain English guide to the Planning System, Department for Communities and Local Government, January 2015

### Culture as core principle

One of the core planning principles identified in the NPPF is cultural wellbeing.

The NPPF seeks to support local strategies that deliver community and cultural facilities in response to demand.

The NPPF also recognises the important role town centres play at the heart of communities. It acknowledges that cultural uses make a valuable contribution to the vibrancy and success of these areas.

### Supplementary planning guidance (SPGs and SPDs)

The Mayor also produces more detailed supplementary planning guidance (SPGs). Each SPG provides advice on how planning policies in the London Plan should be implemented.

Boroughs also prepare supplementary planning documents (SPDs). Each SPD provides advice on how planning policies in the local plan should be implemented.

Supplementary planning guidance can be a material planning consideration when making planning decisions, but does not have the statutory

weight of London Plan and local plan policies.

### Planning applications

Along with preparing local plans, each local authority determines planning applications and carries out enforcement against unauthorised development.

The vast majority of planning applications (90 per cent) are dealt with by local authority planning officers. Larger and more controversial developments are often decided by planning committees.

The Mayor also has powers to determine planning applications which have wider strategic importance.

### Role of councillors

The government’s guidance highlights the “key leadership” role elected councillors have in the planning process.

All councillors have an important role to play in representing residents in plan-making and in planning applications affecting their wards.

The Localism Act 2011 clarified the ability of councillors to be able to discuss matters relating to planning applications prior to voting at committee.

## The London Plan – a strategic vision for the capital

The London Plan is the strategic plan for London. It sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2036.

Policy 4.6 of the London Plan sets out the Mayor's objective to support and enhance cultural activities and venues across London. Policy 4.6 provides a strategic framework for boroughs preparing planning policies relating to cultural venues. Amongst other things, this policy requires boroughs to:

- enhance and protect creative work and performance spaces and related facilities in particular in areas of defined need
- designate and develop cultural quarters to accommodate new arts, cultural and leisure activities
- promote and develop existing and new cultural and visitor attractions
- provide arts and cultural facilities in major mixed use development

Policy 4.5 of the London Plan, London's Visitor Infrastructure, sets out a number of strategic cultural areas across London, which the Mayor aims to promote, enhance and protect. These are shown indicatively on Map 4.2 of the London Plan and include the West End, South Bank and Barbican.

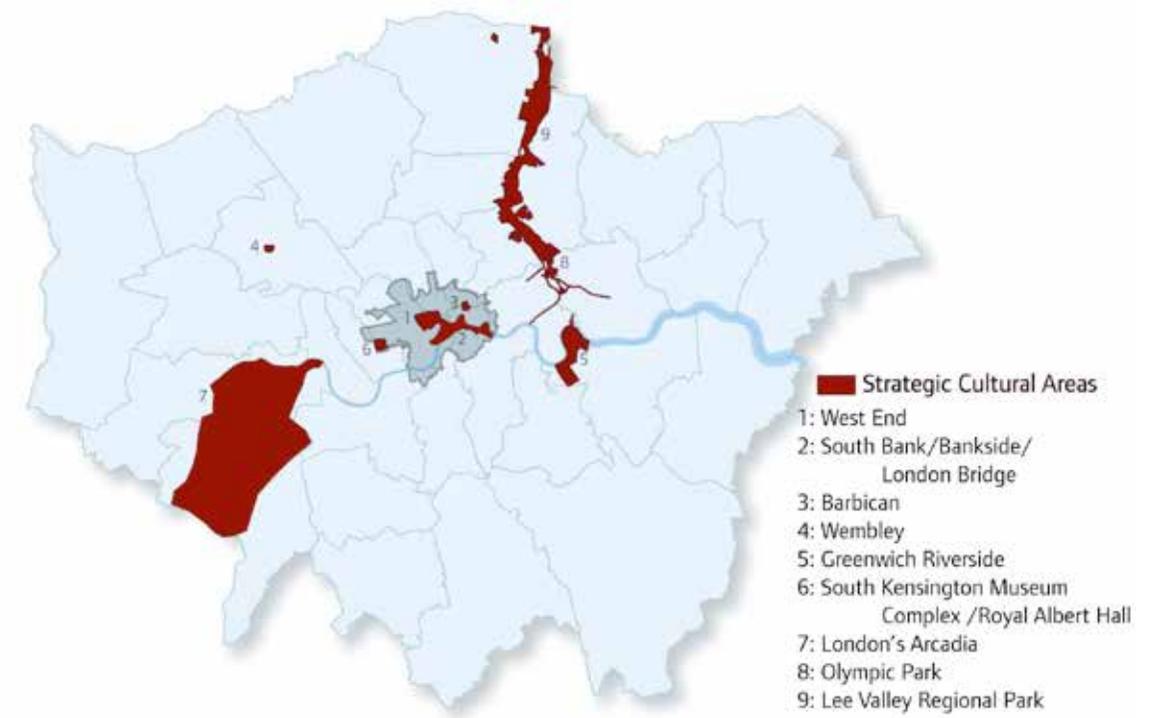
The current London Plan includes measures to help local authorities protect valued pubs from being lost, where it is possible to do so. This is the first time that the important role of London's pubs has been recognised in the London Plan.

It follows a City Hall report that stated that 900 pubs closed in the capital from 2003 to 2012. Local authorities are encouraged to 'maintain, manage and enhance' them. The plan also supports councils in preventing the loss of pubs, if it can be demonstrated that they are a 'community asset'.

The Mayor has also published guidance on cultural activities in the Town Centres SPG and the Draft Central Activities Zone SPG.

These documents highlight the importance of cultural activities in London and provide advice on how boroughs should positively manage and support cultural venues in these locations. The Draft CAZ SPG provides guidance on

how development and change adjacent to cultural venues can be managed sensitively in order to mitigate potential impacts and pressures on cultural activities and ensure established uses can be sustained and enhanced.



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Greater London Authority 100032216 (2011)

Site boundaries shown on the map are indicative and include areas with other land uses, particularly in Outer London.

## The local plan – how local authorities publish their vision for development

The local plan sets the borough-wide vision and framework for development. It identifies the development needs for the area, and the opportunities in relation to housing, the local economy, community facilities and infrastructure.

The local plan sets out (i) what will happen in an area, (ii) where and when this is going to happen, and (iii) how it is going to be delivered.

Local plans should be led by the local planning authority but produced in consultation with local communities, developers, landowners and other interested parties.

Plans must be supported by adequate, up to date and relevant evidence about the economic, social and environmental characteristics and development requirements of the area.

Local authorities use their local plan to guide their decisions on planning applications. Local plans also inform the development of supplementary planning guidance, site specific development briefs and area action plans.

See case study Earls Court and West Kensington (p.45)

People Tower at Bell Square, Hounslow © Vipul Sangoi



### Tips for success

- Every local plan should highlight the importance of culture to the area. This should reflect the area's heritage, character and contemporary culture.
- Local plans need to reflect the full range of heritage assets and cultural infrastructure for example venues such as theatres and cinemas, informal culture like skate parks, pubs, and buildings and spaces that support creative activities, and the day and night time economies such as restaurants and nightclubs.
- Local plans must have regard to national planning policy (the National Planning Policy Framework, and National Planning Practice Guidance). Local plans must also conform to the London Plan.

## Planning frameworks – knitting key sites together

From large stretches of the east London riverside to compact districts and town centres, planning frameworks stitch development sites together into a coherent whole that is worth more than the sum of its parts.

Planning frameworks can help create the conditions necessary for growing and nurturing locally specific cultural amenities. They are important tools for securing the new homes and jobs that London needs, while also helping to deliver the hard and soft infrastructure necessary to make places work and neighbourhoods thrive.

The nature of a planning framework typically varies depending on the scale of the area concerned – with large areas planned strategically with a broadbrush, and smaller areas planned locally in more detail.

The London Plan identifies 38 opportunity areas in the capital. These are the parts of the city containing London's major brownfield sites. Opportunity area planning frameworks (OAPFs) provide a strategic vision for large-scale urban renewal.

They are prepared jointly by the Mayor of London and relevant borough councils. Following public consultation, OAPFs are typically published as Supplementary Planning Guidance to the London Plan. OAPFs may also be adopted by borough councils.

At the local level, area action plans (AAPs), masterplans and other supplementary planning documents (SPDs) act as vehicles for promoting sustainable growth and change.

AAPs contain specific planning policy, form part of a council's local plan, and are subject to various stages of consultation and a public examination. SPDs (which may comprise masterplans or another form of development brief) are guidance which may be produced more quickly, but are given less weight than AAPs in planning decision-making.

See case study Vauxhall Nine Elms (p.42)

### Tips for success

- All planning frameworks are subject to community engagement and public consultation. This provides a real and valuable opportunity to contribute ideas and suggestions for the development of locally distinctive cultural infrastructure.



Jeppie Hein Installation, Queen Elizabeth Olympic Park © LLDC

## The neighbourhood plan – how communities shape their own neighbourhoods

Neighbourhood planning is relatively new. It was introduced through the Localism Act in November 2011, and gives communities the power to develop a shared vision for their neighbourhood for the first time.

### Through neighbourhood planning, communities now have the power to:

- prepare plans that have legal weight
- grant planning permission for development (a 'neighbourhood development order')
- access extra funding through the community infrastructure levy

In London, communities can set up their own neighbourhood forum – one forum per area and including at least 21 local residents, business people and at least one elected member.

The local authority manages the process for designating the Forum and guides the publication of the plan. Draft plans are published following an extensive consultation process, including an examination in public and a referendum. Plans that achieve

50 per cent or more votes in the referendum can be adopted.

Neighbourhood plans must be in line with the local plan. Each one, however, will be different, reflecting local circumstances. Grants and support are available to help communities write and develop plans.

Once a plan is adopted, the neighbourhood forum has the right to grant planning permission for development (neighbourhood development orders and community right to build orders). Decisions on planning applications will be made using both the local plan and neighbourhood plans.

Communities with an adopted neighbourhood plan will also benefit from 25 per cent of the revenues from the Community Infrastructure Levy revenue arising from the development that takes place in their area. The charging authority for the area will need to engage with the forum to ensure the money is spent according to local priorities.

### Tips for success

- A Neighbourhood Plan has statutory force which means that it guides planning permission alongside the local plan and London Plan.
- It is a way for communities and cultural organisations to have a greater understanding of their neighbourhood and to use this knowledge to influence development in their area.
- Local authorities need to work closely with neighbourhood forums to ensure that neighbourhood plans are in line with the strategic priorities of the Local Plan. The neighbourhood plan should reflect cultural infrastructure (i.e. cultural and heritage buildings and spaces) in line with the strategic policies of the local plan.
- The government offers grants of up to £8,000 to help groups write neighbourhood plans or prepare neighbourhood development orders. Groups facing more complex issues like high growth areas, deprived areas, business led neighbourhood plans, populations over 25,000, can apply for specific packages of technical support where needed, and may also be eligible for further £6,000 in grant.
- Neighbourhood forums need to be representative of the community as a whole – not just those with the time and money to participate in the forum. They need to engage as widely as possible to ensure everyone in a neighbourhood has a say.
- Cultural organisations should find out whether there is a forum and a plan in their area.

See case study Fortune Green and West Hampstead (p.46)

## Section 106 – adding value to development

Local authorities can enter into a Section 106 agreement with a developer. This is a legal document through which the developer provides contributions to offset impacts caused by construction and development.

Section 106 agreements are frequently used to secure the delivery of much needed local infrastructure such as a new school, new affordable homes, new school places, employment training schemes, public realm enhancement projects or heritage assets. They may provide for cultural infrastructure where appropriate.

The purpose of a section 106 agreement is to mitigate the impact of development, and they must be necessary, directly related to the development, and fairly and reasonably related in scale and kind to the development.

The developer may implement these contributions itself, or agree to make a payment to the local planning authority, so that delivery of the works is overseen by the council.

See case study  
Bentley Priory (p.48)

Black Cultural Archives, Brixton © Edmund Sumner



### Tips for success

- Members of the public, community and cultural organisations can make representations to the local authority on the revision of their local plan policies on planning obligations and in response to planning applications.
- Representations can include suggestions for projects which will mitigate the impact of the development on the area. These can include cultural infrastructure and public realm enhancement where statutory tests are met.
- Section 106 can make a valuable contribution to a development for the community and the developer.

## Section 2

### Working together to sustain culture

The first part of this guide set out the various opportunities for embedding culture within local planning frameworks.

New developments or changes of ownership may sometimes risk the loss of cultural buildings and spaces from an area. This section sets out various ways government, local authorities and communities can work together to sustain culture.

- ◆ Asset of community value – the community’s ‘right to bid’
- ◆ Community ownership – buying an asset
- ◆ Conservation area – special protections for areas of interest
- ◆ Listed buildings – how heritage assets are recognised
- ◆ Special policy areas – how local authorities maintain specialist ‘clusters’
- ◆ Article 4 directions – restrictions on permitted development
- ◆ Agent of change – protections for cultural venues
- ◆ On the horizon – opportunities for funding cultural infrastructure in the future
- ◆ ‘Magnificent Seven’ – seven steps to support culture through planning

## Asset of community value (ACV) – the community's 'right to bid'

ACV is a relatively new right that gives voluntary and community organisations the opportunity to bid for local buildings and public spaces in the event they are put up for sale.

In London, ACVs range from pubs to youth clubs, playing fields to skate parks. To be designated an asset, it must further the social wellbeing or social interests of the local community.

Each local authority considers all nominations on this basis and publishes a list of successful sites.

Should the asset ever come up for sale, ACV designation means that community groups have six weeks to submit an expression of interest to the local authority. They then have a further six months to put in an offer to the owner.

This is a 'right to bid' not a right to buy. Owners have to consider bids from community interest groups, but they do not have to accept them. The onus is on community groups to assess the likelihood of their bid being accepted.

See case study Stockwell Skate Park (p.54)

### Tips for success

- In order to be eligible to nominate an asset, a community group must be established comprising at least 21 people who appear on the electoral role of the local authority or a neighbouring authority.
- Neighbourhood forums and community interest groups (including charities) are also eligible to make nominations.
- In order to be designated as an ACV, an asset must further the social wellbeing or social interests of the community. Local authorities will want to know if it has been open for the past six months (at least) and will continue to be so.
- An asset can be a private or publicly-owned property. It can't be a residential property.
- For community groups interested in nominating an asset, first check what other assets the council has awarded in the borough. Each council should publish a list (and guidance) on their website. Think about getting in touch with some of these venues for guidance/support.
- Government has strengthened the protection of pubs identified as Assets of Community value. In England, the listing of a pub as an ACV now triggers a removal of permitted development rights. This means that pubs can no longer be changed to other uses (like retail) without the building owners first applying for planning permission.
- This restriction also applies to pubs which have not yet been designated an ACV but where the local planning authority has notified the developer of the nomination.



Brixton Market, Lambeth © The Brick Box

## Community ownership – buying an asset

The case studies include examples of how communities have taken on direct ownership of cultural assets in their area.

There is no one template for taking over a cultural building or space or putting in a bid.

In the case of the Antwerp Arms, (see case study on p.56) the community group successfully raised finance through Microgenius, a community shares platform.

Communities can also look into social investment business grants. At the time of publication, grants are available to help community groups take on ownerships of building and land.

**Pre-feasibility grants of up to £10,000** are available to help community organisations build their own capacity.

**Feasibility grants are available of up to £100,000** to help organisations carry out detailed feasibility work for bidding for service contracts or for developing project and business plans.

## Conservation areas – special protections for areas of interest

There are a huge range of conservation areas in London – from Soho’s famous Denmark Street to the Webb Estate in Croydon, from Alexandra Palace Park to Uxbridge Moor in Hillingdon.

Conservation areas vary considerably but are all deemed to have environmental or historical importance. The purpose of conservation area designation is to help carefully manage the character and appearance of these areas.

From time to time, every local authority in England examines which parts of their area are of special architectural or historic interest. The local authority’s appraisal defines what in the area is important and why the character and appearance of that area requires careful management.

A conservation area management plan then sets out how the special interest of the area will be managed. This includes a review of the conservation area and its boundaries and proposals for the preservation and enhancement of the area.

Conservation area advisory committees (CAACs) are groups of local residents and businesses. Representatives of local historical, civic and amenity societies can also sit on the CAAC.

The CAAC helps local authority planning committees consider reviews of the conservation area appraisals and management plans; and planning applications that are likely to affect the character and appearance of the area. They also help shape conservation and design policies in the borough. The local planning authority has powers to use ‘Article 4s’ (see p.32) to help restrict permitted development rights.

Conservation areas enjoy special protection under the law. Local authorities are required to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation areas when drawing up plans or considering development proposals. This even includes plans and proposals outside the designated area, if they would

affect the setting or view into or out of it.

In order to proceed with any development, building owners must first:

- demonstrate that the development will preserve or enhance the character or appearance of the conservation area.
- apply for planning permission for alterations or extensions that would not normally need planning permission, such as minor roof alterations or satellite dishes.

Demolition or substantial demolition of a building within a conservation area will usually require planning permission from the local authority. It is now a criminal offence to carry out demolition in a conservation area without planning permission.

See case study Denmark Street, Soho (p.58)

### Tips for success

- Contact your local authority conservation officer to discuss any proposals that will impact upon the conservation area.
- In addition talk to your local conservation area advisory committee (CAAC). The CAAC should be representative of local cultural businesses and historical societies.
- Contact your local authority if you believe that a building or major part of a building is being demolished without consent.

## Listed buildings – how heritage assets are listed by Historic England

Designation is the term given to the practices of listing buildings, scheduling monuments, registering parks, gardens and battlefields, and protecting wreck sites. These are collectively known as designated heritage assets and can be significant for archaeological, architectural, artistic or historic reasons.

Historic England, formerly English Heritage, is the organisation responsible for listing buildings. Designation

ensures that the ‘significance’ of an asset is conserved through the planning system, to allow it to be passed on to future generations. Listed status protects the building rather than the use that inhabits it.

It should be noted that other selection criteria may be used in relation to other types of heritage assets.

See case study Royal Vauxhall Tavern (p.61)

### Tips for success

Not all of these principles will be relevant in every case but a building may qualify for listing under more than one of the following:

- be considered important for its architectural design, decoration, or craftsmanship
- be a nationally important example of particular building types and techniques, for example buildings displaying technological innovation or virtuosity
- be of a significant plan form
- have historic interest, illustrating important aspects of England’s social, economic, cultural or military history
- have close historical associations with nationally important people
- have some quality of interest in its physical fabric

## Special policy areas – how local authorities maintain specialist ‘clusters’

Special policy areas (SPA) aim to protect and promote specialist uses and clusters unique to an area. Examples of SPAs include Savile Row (for tailors), Harley Street (medical facilities), and Portland Place (institutional uses).

Through SPAs, local authorities can work collaboratively with landowners and developers to secure and protect specific types of land uses and activities.

Under an SPA, local authorities publish policies to sustain and promote particular uses of building in their area. SPAs ensure careful management so that the particular characteristics / activities are taken into account during the planning process.

See case study Savile Row (p.64)

### Tips for success

- Local authorities may want to explore the feasibility of creating new SPAs for their cultural and historic areas.
- SPA policies should stipulate that developments need to maintain and enhance the character and function of the SPA.
- Local authorities can seek the re-provision of existing types of space as part of development proposals, secured by legal agreement.

## Article 4 directions – restrictions on permitted development

Properties in England and Wales are allowed to make minor changes without having to apply for planning permission. These are known as permitted development rights. Under permitted development (PD) many pubs, shops or creative business offices can be turned into other types of buildings (change of use) without the need for applying for planning permission.

Permitted development makes it more difficult for councils to manage land uses and protect their specialist, historic clusters. It also threatens the balance of residential, office, workspace and retail use particularly in town centres and high streets across London.

However, the local authority can remove these rights in order to protect the character of an area. Through article 4 directions, local authorities can control building works and changes of use in their area subject to the review of the Secretary of State.

Article 4 directions can be issued in order to prevent the loss of original features in a conservation area. Westminster City Council has issued a direction for the 52 grade II listed buildings in Abbey Gardens, NW8 which fall within the St. John's Wood conservation area. The direction has introduced controls over the building of ancillary structures and the construction or alteration of gates, fences or walls.

Article 4 directions can be very specific. The London Borough of Merton issues a direction during the Wimbledon tennis championships preventing owners erecting marquees on public and private land.

Other London councils have used article 4 to prevent offices being turned into residential buildings or to protect shops. Southwark Council has used article 4 to prevent bars, restaurants and takeaways being turned into pawnbrokers and betting shops, while Lambeth Council is protecting parades of shops with architectural and historic interest for example in Brixton.

Henage Street, Tower Hamlets, photo Global Street Art © Phlegm



### Tips for success

- Article 4 directions can help local authorities recognise the special role culture, including informal culture, can play in their area.
- Local authorities should work with local residents and draw on the expertise of relevant organisations (such as CAMRA) in drawing up proposals for their area.

See case study Wandsworth (p.67)

## Agent of change – protections for cultural venues

London's population growth means that new developments will inevitably be built next to established cultural venues. It is important to accommodate and design new developments in ways which ensure that cultural venues remain viable, despite the noise they generate. This means finding ways to militate against neighbour complaints, licensing restrictions or the threat of closure.

Under agent of change principles, if a cultural venue is in place before a residential development, as the 'agent of change', the residential development is responsible for militating against potential residents' complaints for example by paying for soundproofing. Equally, if a cultural venue, as the 'agent of change' opens in a residential area, the venue is responsible for these works.

Agent of change encourages music venues to work alongside communities to manage noise. It encourages developers to build homes that reflect their surroundings. Agent of change can apply equally to any cultural venue where there is

noise – from theatres to pubs to skate parks.

The key lesson learned from the Ministry of Sound case study is that venues can explore the additional safeguard of an easement with building owners. Under the terms of an easement, new residents who move into the building must be made aware of the nearby venue and agree not to complain about agreed levels of noise resulting from it.

See case study Ministry of Sound (p.70)

Ministry of Sound, Southwark © Ministry of Sound



### Tips for success

- When considering new developments, the local authority's noise report should fully reflect the nature of the cultural venue and its operation.
- Cultural venues and developers should work together to adopt agent of change principles wherever possible to build in safeguards right from the outset.
- Local authorities should adopt agent of change in their local plans.

## On the horizon – opportunities for funding cultural infrastructure in the future

### Community Infrastructure Levy (CIL)

The CIL allows local authorities to raise funds from developers undertaking building projects in the local area. Mayoral CIL is different to borough CIL, although both are collected by the boroughs.

Local authorities must spend the CIL on infrastructure. This can include cultural infrastructure – parks and green spaces, play areas, culture and sports facilities.

The levy is intended to support new infrastructure, though there are cases when it can repair existing infrastructure where it is necessary to support new development.

Mayoral CIL is restricted to spending on roads or other transport facilities such as Crossrail.

At least 15 per cent of the levy must be spent on priorities that are agreed with communities in areas where development is taking place, though in some circumstances this can rise to a minimum of 25 per cent

where a neighbourhood plan has been adopted.

Developers can offer to pay the levy through the provision of infrastructure as well as cash.

### New Homes Bonus – encouraging local authorities to build more homes

The New Homes Bonus (NHB) is a relatively new government scheme to encourage local authorities to grant planning permission for the building of new homes. In return, local authorities receive additional revenue.

Local authorities are not obliged to use the bonus funding for housing development. It can be used to fund cultural buildings and spaces.

In London, £70m of London boroughs' NHB allocation is being topsliced and pooled for use on a programme of projects across London agreed by the London Enterprise Panel (LEP). The funding that each borough contributes to the topslice will be returned to that community through this process.

Blackhorse Lane Workshop © Ben Quinton / Assemble



### Tips for success

- In London, culture and creativity is built into the seven themes that make up the NHB LEP programme. In particular, apprenticeships, skills and training; digital, creative, science and technology; high streets; and workspace.

As this guide demonstrates, there are a huge variety of ways the planning framework enables cultural activities to thrive in an evolving and rapidly growing city like London. Part of the challenge is to support and sustain cultural activities in London's existing and ever-changing neighbourhoods. An equally important step is to ensure cultural activities and uses are fully embedded in the placemaking, regeneration and planning of London's large development sites.

In this section we pick out seven practical steps local authorities, cultural venues, developers and planners can take to embed culture across London. This list is not supposed to be exhaustive or prescriptive. But the 'Magnificent Seven' steps set out below are intended to help stakeholders work more closely together to sustain and support culture in London.

## The 'Magnificent Seven' – seven steps to supporting culture through planning

### **Step one – Integrate culture in the placemaking of large redevelopment areas**

London's major brownfield redevelopment sites provide a huge opportunity to accommodate new cultural venues and for these activities to animate and enhance the character of these new and distinctive neighbourhoods. The potential and value of cultural activities should be fully considered in the placemaking of large sites, including redevelopment opportunities in opportunity areas and town centres.

### **Step two – embed culture within the local plan**

The local plan is a good opportunity for boroughs to set out their approach to formal and informal culture and the daytime and night time economies. Every local plan in London could set out a positive and enabling approach to pro-cultural planning that reflects particular local circumstances.

### **Step three – encourage neighbourhood planning**

New neighbourhood plans should be encouraged, reflecting the particular characteristics and assets of a neighbourhood, and with culture firmly embedded within them.

### **Step four – adopt agent of change principles**

'Agent of change' principles can help development and cultural venues co-exist, making sure that change in neighbouring uses does not destabilise established cultural activities – these principles could be adopted more widely across London.

### **Step five – explore article 4 directions for cultural venues**

Wandsworth's trailblazing article 4 direction is an innovative planning tool and worth watching to see how this works in practice. Other boroughs might want to explore the feasibility of adopting similar protections in their areas.

### **Step six – create new special policy areas**

London has a variety of world-class SPAs. As the capital continues to grow the time is right to explore the feasibility of creating new SPAs for cultural and historic areas.

### **Step seven – encourage community ownership**

Community ownership offers the potential for local communities to manage their own cultural assets. We would like to work with stakeholders to better understand this model and whether it can be adopted more widely.

## Section 3

### Case studies

- ◆ Developing an aspirational vision
- ◆ Making the most of opportunity areas
- ◆ How local communities can take the lead
- ◆ Unlocking investment for culture
- ◆ Combining artists' workspace with residential development
- ◆ Valuing what people value
- ◆ A community conserves a much loved local asset
- ◆ Supporting local character while planning for the future
- ◆ Recognising living heritage
- ◆ Retaining clusters to support identity and growth
- ◆ Recognising the important social role of public assets
- ◆ Finding solutions for culture in a growing urban environment
- ◆ Early activation in a development can create a buzz



Across the Buildings by Felice Varini @King's Cross Central Limited Partnership

## Developing an aspirational vision

**In the Nine Elms development, Wandsworth Council has used the opportunity of a significant development to embed culture throughout the area's planning policy and develop an aspirational vision for the whole borough.**

**Opportunity area** planning framework

**Also relevant for** section 106; early activation/temporary use

### Vauxhall Nine Elms Battersea

Nine Elms is one of the largest redevelopment areas in London, covering 227 hectares across both Wandsworth and Lambeth boroughs.

In March 2012, the Mayor of London adopted an opportunity area planning framework (OAPF) for Vauxhall / Nine Elms / Battersea.

The OAPF has helped to unlock development potential and this historic industrial area is now being transformed to deliver 20,000 new homes and 25,000 new jobs.

### Mandatory cultural planning

In 2015, Wandsworth revised its SPD for Planning Obligations. Any scheme over 100 units or above 10,000sqm

mixed use/commercial space has to provide a cultural action plan in discussion and agreement with the council's Arts and Planning teams.

A cultural guidance note sets out the benefits and outcomes the council would like to secure such as:

- arts commissions integrated within landscape design
- space for cultural tenants and creative workspaces
- early activation – temporary creative projects through the development's construction phase
- contributions to local festivals or other arts programmes
- tangible creative ways for local communities to get involved, participate or learn

A commuted sum can be made to contribute to local cultural provision or infrastructure – (if a developer chooses, or if the council does not approve a proposed cultural plan). This may be pooled with up to a



maximum of five developments in a locality. The commuted sum reflects the Arts Council's Standard charges guidance for Arts, Museums, Libraries and Archives as a benchmark.

### Outcomes

Through the area-wide cultural strategy, culture has become core to the Nine Elms Vauxhall Partnership's Business Plan.

Complex work is underway to draw together and ensure the individual developers' plans create a coherent whole across this large area. Currently secured through planning are:

- two subsidised spaces, one short term, one long term
- two cultural tenants established in the short term
- a wide range of site-responsive contemporary public art commissioning
- development of a bridge improvements scheme with artist involvement
- a range of arts-led projects directly engaging local schools and communities

Rather than wait for physical regeneration to be completed in 2030, the council is working with partners to animate the area now through festivals and projects such as Chelsea

Fringe, Totally Thames and Wandsworth's own growing arts festival and embed new cultural organisations into the existing and growing community.

This is creating opportunities for local involvement and activating the area through this intensive construction phase.

## Making the most of opportunity areas

### How cultural strategy is embedded within an opportunity area.

**Example of supplementary planning**

**Also relevant for planning framework**

#### Earls Court, Royal Borough of Kensington & Chelsea

The Earl's Court exhibition centre has made a significant contribution to the local identity and economy over the years.

The Earl's Court and West Kensington opportunity area is a large development site, which will bring economic opportunity, new homes and new jobs on a grand scale. This will sustain the Earl's Court 'brand' by creating a new vibrant cultural destination as part of the new mixed use quarter, building on the historic role culture has played.

#### Embedding culture

The Earls Court and West Kensington Opportunity Area Joint Supplementary Planning Document (SPD) has been produced in partnership between the London Borough of Hammersmith and Fulham, the Royal Borough of Kensington and Chelsea

and the Mayor of London. It essentially provides additional locally specific detail to supplement planning policies in the borough's local plan and the Mayor's London Plan. The SPD contains a dedicated chapter on cultural strategy.

#### Outcomes

The SPD sets out strategic objectives to deliver an enriched cultural destination that crucially retains Earl's Court's unique cultural 'brand'. While placing a cultural 'anchor tenant' at the heart of the development in order to provide a critical mass of visitors, the strategy also secures a range of cultural, artistic and creative outcomes to ensure a vibrant long-term artistic community. This includes the provision of affordable artists' studios and creative workspace.

The SPD also sets out the expectation that redevelopment within the Opportunity Area should capitalise on opportunities for artists and creatives to engage with communities at various stages in the redevelopment process.

## How local communities can take the lead

**Although neighbourhood planning is still in its infancy, it has the potential to support and sustain culture in neighbourhoods.**

### Example of neighbourhood plan

#### Fortune Green and West Hampstead, Camden

This area includes a significant number of listed buildings and large conservation areas. Preserving and enhancing this architectural heritage is of great importance to local residents.

Part of West Hampstead has been identified as an area for intensification in the London Plan. Between 2010 and 2031 there is a target of at least 800 new homes and 100 jobs. The area's current population is around 24,000.

#### The plan

The Fortune Green and West Hampstead Neighbourhood Plan was published in March 2015 “for the benefit of people who will live and work in the Area for years to come, setting out policies for the development of the Area between 2015 and 2031.”

The plan sets out six objectives related to housing, design and character, transport, public and community facilities, economy, and natural environment.

#### Outcomes

The plan supports culture in a number of ways:

- Making a solid case for architectural heritage – and that new developments provide for this
- Setting out measures for the West End conservation area and exploring recommendations for new conservation areas
- Supporting Camden Council's local list for heritage assets
- Acknowledging listed buildings and their need for protection and care
- Indicating that any future use of ENO Rehearsal Rooms should aim to retain a performance/cultural space
- Acknowledging the area's libraries and seeking to improve them for example as 'community hubs'
- Acknowledging the area's formal places of worship
- Recommending that new sites for business should satisfy a range of needs, including studio space
- Welcoming the development of regular open-air markets and short term pop-up shops

## Developing a neighbourhood plan

**2011** – Members of local community come together – concerned about scale and number of developments proposed in the locality. Action group explores possibilities afforded by neighbourhood planning.

**2012** – Fortune Green & West Hampstead Neighbourhood Development Forum established. Consultation held with local people. Local people are broadly in favour of specific planning policies for the area; greater effort to protect buildings and the street environment in conservation areas; and more positive engagement between developers and the community.

Extensive public consultation held to agree the plan's area. Web presence for the forum created with email address and mailing list. Leaflet produced seeking views of local people, followed by drop-in sessions, a stall at a local Festival and a survey. Initial draft of the neighbourhood plan produced in July 2012.

**August-November 2012** – second phase of consultation held, preparation of community involvement strategy and public meeting. Boundaries of the area finalised with the council. Twitter account develops over 1,000 followers.

**November 2012-July 2013** draft refined following further consultation. Prince's Foundation assists with draft. forum is officially designated.

**August 2013 – January 2014** Further phase of consultation held with local businesses and residents. Final (seventh) version of plan is published in January – then consulted on for seven weeks.

**September 2014** – Forum submits final version of the plan to Camden Council. Plan is scrutinised and consulted on during October.

**December 2014** – Examination in public held.

**January 2015** – Examination report published.

**9 July 2015** – Plan approved in a local referendum with a YES vote of 93 per cent.

## Unlocking investment for culture

As part of the redevelopment of Bentley Priory, a Section 106 agreement has funded the opening of a brand new museum within this Grade II\* listed building, showing how innovative and flexible Section 106 agreements can be.

### Example of section 106

Also relevant for supplementary planning guidance / listed building designation

### Bentley Priory, Harrow

Bentley Priory is a Grade II\* listed country house, park and gardens in Stanmore, north west London which was Headquarters Fighter Command during the Battle of Britain.

In 1926, the Priory was bought by the Air Ministry. The RAF remained there until 2008 when the site was decommissioned as part of a widespread consolidation of the Ministry of Defence's London estate.

After a public campaign to preserve part of the site as a museum, the Bentley Priory Museum was formally opened on 12 September 2013.

### Safeguarding the future: developing a supplementary planning document (SPD) for RAF Bentley Priory

In 2007, Harrow Council published an SPD to guide the future use and development of the Bentley Priory site. The SPD acknowledged the Priory's location in the Green Belt and in an area of special character. Any future development would need to safeguard the architectural, historic and cultural importance of the mansion and park, taking proper account of its important landscape and ecological character.

Following public consultation, the SPD was published in September 2007.

### Developing a viable scheme

The development of Bentley Priory was undertaken by VSM Estates. The Prince of Wales Regeneration Trust was appointed as project adviser for the heritage elements of the scheme.



The trust helped devise a viable business plan for the museum and assisted in securing £11m in funding from the developer, and also in making initial applications to the Heritage Lottery Fund.

### **Securing a museum through section 106**

In April 2008, VSM Estates submitted a scheme including plans for:

- a museum located in the historical rooms of the Grade II\* listed Mansion House
- 103 homes
- conservation of the mansion house and its historic landscape setting
- measures to restore the Italian gardens and other open space within the site

Harrow's Planning Committee granted consent to incorporate a museum in the mansion house alongside the residential development.

### **Outcomes**

As part of the section 106 agreement, £9.5 million was secured to set up the museum.

The section 106 agreement secures council approval of the museum business plan and specification – requiring that the facility is delivered in accordance with the plan.

The council has also used the section 106 agreement to secure dedicated financial contributions towards museum start up and maintenance costs.



## Combining artists' workspace with residential development

**This award-winning development is an excellent example of how Section 106 can provide for much-needed creative workspace within a residential scheme.**

### Example of section 106

#### Matchmakers Wharf, Hackney

Matchmakers Wharf is a significant mixed-use development on the site of the former Lesney Matchbox Toys Factory. The award-winning development comprises 209 residential units (40 per cent affordable).

#### Securing 106

Matchmakers Wharf is close to Hackney Wick, an area that has traditionally offered artists studio space at affordable rents. In recent years, the long term future of many buildings has become uncertain as the area has redeveloped.

Hackney Council's cultural policy acknowledges the availability of suitable premises as a pressing issue for the sustainability and development of the cultural sector. The cultural policy identifies how the borough can act as a broker in developments, to ensure that provision is made for affordable appropriate space or as the provider of property.

The local authority's intervention therefore is to lever in development capital.

#### Outcomes

Under the section 106 agreement, the development contains 49 purpose-built affordable artist's studios at lower than market rents on a 999 year lease. The studios are located over six floors and range in size from 220 to 560 sq ft.

The studios were built to design specifications developed by Acme Studios and were allocated in 2012, with priority given to artists resident in Hackney.

Acme manages 15 buildings (573 units). Of these, 273 long-term units across 9 buildings have been added since 1996, specifically the result of Arts Capital England investment and partnerships with commercial and social property developers. Acme's self-sustaining property portfolio will provide support and long-term security for increasing numbers of artists in the future.

Matchmakers Wharf from the River Lea © Morley von Sternberg



## Valuing what people value

**From busking to skateboarding, informal culture is often left out of local cultural strategies. But where informal assets are sustained over time, they can become popular, well-loved and valuable parts of the community.**

Example of  
asset of community value

### Stockwell Skatepark, Lambeth

Stockwell Skatepark is a concrete skatepark on the corner of Stockwell Park Walk and Stockwell Road near the Brixton Academy. It was built in 1978 by Lambeth Council on land donated by the Tabernacle Baptist Church. It is one of the last of the original 1970s skate parks remaining anywhere in the world and one of the oldest and largest in London.

The park is unsupervised and free to use any time of the day. Throughout its life it has remained popular with visitors from the local area and from around the world.

The skatepark was listed as an Asset of Community Value by Lambeth Council in January 2015.

### History of the site

Work on the Stockwell Park Estate Masterplan commenced in 2008.

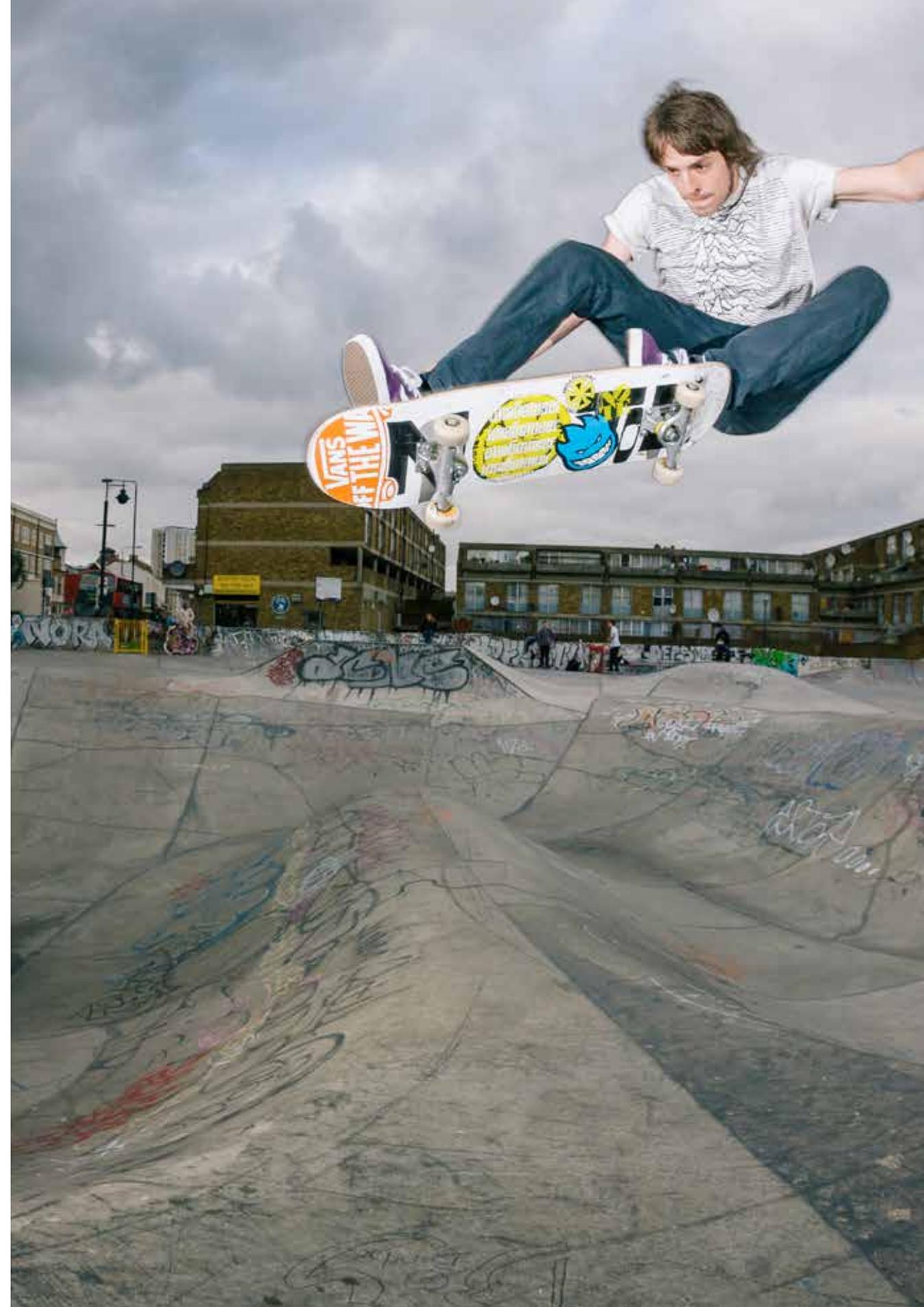
Friends of Stockwell Skate Park was formed in November 2014 to protect and promote Stockwell Skatepark.

### Outcomes

In January 2015 a submission was made to Lambeth Council to have the skatepark listed as an asset of community value. Lambeth Council agreed that the skatepark complied with the criteria set out by the Localism Act 2011 and registered the skatepark as an asset on 21 January 2015.

The ACV listing acknowledges the site's "range of recreational and sport activities such as skateboarding, cycling, rollerskating, scootering, street art and dance."

Stockwell Skatepark, Skater Ben Grove © Chris Johnson



## A community conserves a much loved local asset

This is a rare example of how one community has raised finance to take on ownership of the venue for themselves.

Example of asset of community value / community ownership

### The Antwerp Arms, Haringey

The Antwerp Arms has been a pub for the last 130 years and is the oldest surviving in Haringey. It is part of the Bruce Castle conservation area, one of the largest and most important conservation areas in the borough.

It is part of an area undergoing significant development. The historic High Road nearby is being dramatically changed to accommodate the new 75,000 seat Tottenham Hotspur FC stadium, while Haringey Council is keen to support a greater mix of High Street and independent shops. In 2013, the freeholder at the Antwerp – Enterprise Inns – put the pub up for sale.

### Community Ownership

The Antwerp Arms Association (AAA) was founded in 2013 with the aim of bringing the Antwerp back into local ownership, to become a central hub for the local community.

The AAA was galvanised by the belief that the type of regeneration the area needed should involve “sustainable initiatives that are community driven and provide activities and opportunities for residents and new people moving into the area.”

### Asset of community value

Many ACV designations in London are given to pubs, recognising their valuable and well-loved role in communities. Alongside their social function, many pubs also have a distinct ‘cultural’ use, as venues for live music or comedy.

### Outcomes

ACV status was awarded in September 2013. AAA raised £226,000 through Microgenius, an online community shares platform. 349 funders invested an average of £650 in shares in the pub in return for a range of incentives.

The AAA also received a social investment business (SIB) capital grant of £285,000.



Antwerp Arms © Anna Gudaniec

## Supporting local character while planning for the future

**Planning and cultural policy can work in tandem to achieve social, cultural and economic goals. Different planning tools can also work together to support cultural and planning strategy for the area.**

Example of conservation area  
Also useful for section 106

### Denmark Street, Camden

Denmark Street lies within the parish of St Giles, which has been developed since at least 1117. After 1800, ground floor shops became increasingly prevalent, with the first music publishers establishing themselves in the nineteenth century.

Between the 1930s and 1960s music publishers flourished and Denmark Street became known as “Tin Pan Alley.” Small recording studios appeared, used by the Rolling Stones, the Kinks, Jimi Hendrix and Elton John, and a cluster of record companies, agents, managers and the music press grew up in the street.

Today, there are specialist musical instrument shops and workshops along Denmark Street, with related businesses on the upper floors, retaining the street’s long history of musical uses.

### Conservation area (CA) history

Denmark Street conservation area was originally designated as an extension to the Bloomsbury CA in January 1984 and extended in 1991 and 1998.

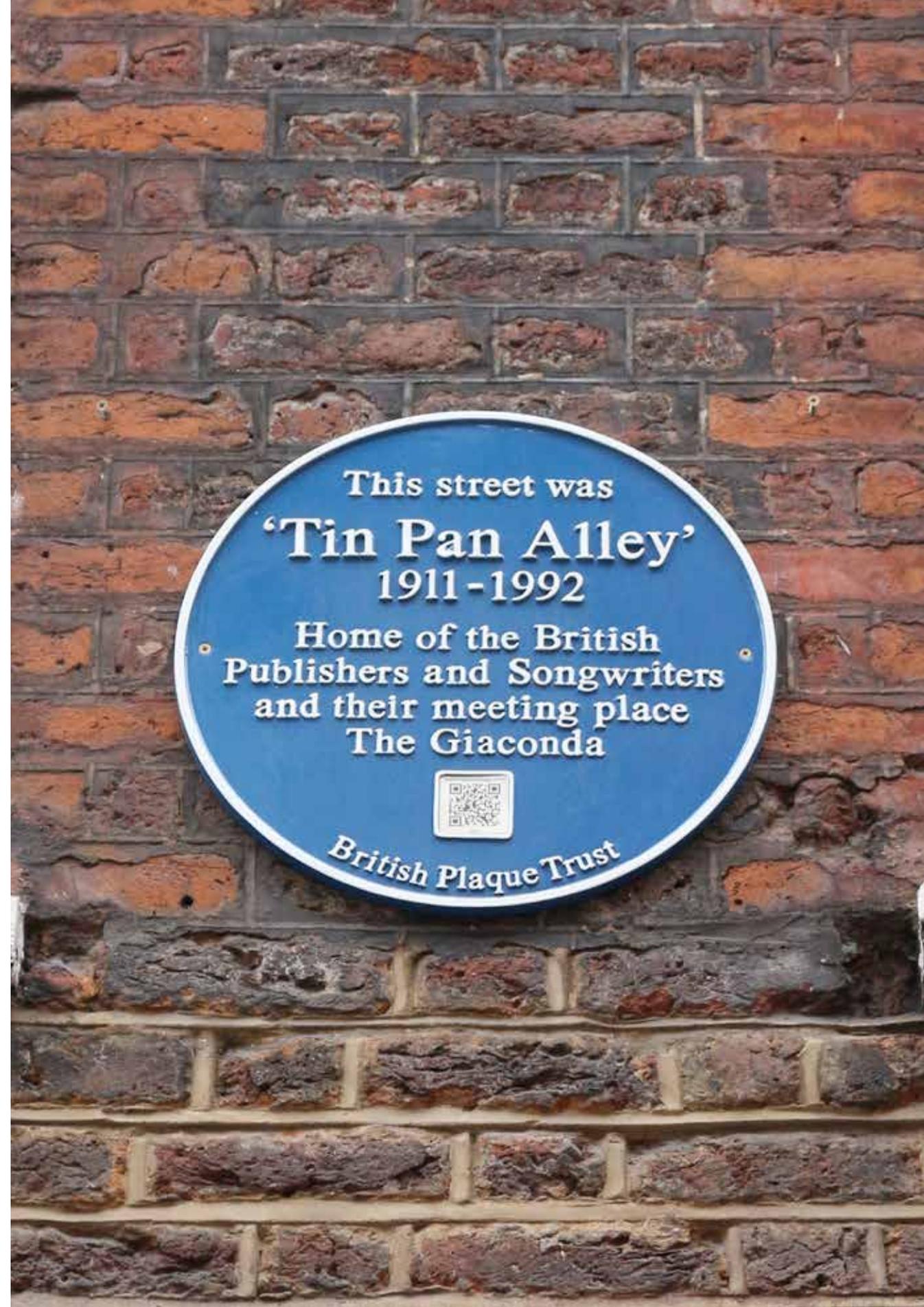
In 2009, Historic England – then English Heritage – included Denmark Street on its ‘at risk’ register, citing the poor condition of some of the properties, and risks associated with the nearby Crossrail development.

### Supporting and Enhancing Denmark Street

In 2010, Camden Council published a conservation area appraisal and management strategy for Denmark Street.

Camden’s strategy acknowledges that Denmark Street is “renowned as a centre of popular music instrument retailing, and it also houses associated music industry uses such as instrument repair workshops, studios etc. This concentration of uses creates a unique and vibrant atmosphere,

Denmark Street, Camden © Greater London Authority



which is particularly distinctive, and contributes significantly to the area’s special interest and character.”

The strategy sets out the council’s approach to the preservation and enhancement of Denmark Street. It is used by the council to inform the assessment of all development proposals affecting the street, in conjunction with the council’s development control policies plan, which is part of the local development framework.

#### **Development policy towards conservation areas in camden**

Camden Council will only grant planning permission for development within a conservation area if it preserves and enhances the special character or appearance of the area.

The policy recognises that the character of conservation areas derives from the combination of a number of factors, including scale, density, pattern of development, landscape, topography, open space, materials, architectural detailing, and uses.<sup>9</sup>

In Camden, design and access statements need to include an assessment of local context and character, and set out how the development has been informed by it and responds to it.

In Denmark Street – as in other conservation areas – it is important that, whenever possible, uses which contribute to the character of a conservation area are not displaced by redevelopment.

#### **Outcomes**

In July 2015, a section 106 agreement, linked to a planning application granted in March 2015, was signed including protections for ‘Tin Pan Alley’ uses. Under the terms of the section 106, rents must be kept at affordable market rents for Tin Pan Alley businesses; and empty properties must be marketed to Tin Pan Alley businesses for at least six months before marketing more widely.

Camden is gathering further baseline data on current rents.

## Recognising living heritage

**The Royal Vauxhall Tavern is the first UK listing of an LGBT venue. This case study raises interesting questions about what cultural value means, and to whom, and how we protect informal assets that have acquired heritage value over time.**

**Example of listed building**  
Also relevant for asset of community value

#### **Royal Vauxhall Tavern, Lambeth**

The Royal Vauxhall Tavern (RVT) is a pub on Kennington Lane, Vauxhall built between 1860 and 1862.

Today, it is one of the UK’s oldest gay venues and the oldest LGBT venue in London. The pub has a long history of hosting alternative cabaret and drag acts, including Lily Savage who performed there during the 1980s.

The Royal Vauxhall Tavern site is next to, but falls outside, the strategic Vauxhall Nine Elms Battersea Opportunity Area Planning Framework. In development terms it is an isolated site and therefore best performs a beneficial function in its current form and use. Vauxhall has undergone a great deal of development over the past few years.

#### **Asset of community value**

In 2014, a campaign to protect the pub was established. The group – RVT Future – submitted an ACV application to Lambeth Council in 2014 which was successful. The Council recognised the pub’s range of community activities, including performance, arts, burlesque, cabaret and music hall.

#### **Listing status**

In early 2015, RVT Future applied to Historic England to list the RVT. City Hall supported the application on the grounds that the RVT was the last surviving London venue with a documented gay history pre-dating the 1960s:

“As the only continuously working gay pub that has survived the nineteenth and twentieth century, the Royal Vauxhall Tavern is a “living monument” to the development of gay identity over the past hundred and fifty years – from its links to the Vauxhall Pleasure Gardens, to its history of drag

9. Camden Development Policies 2010-2025



Royal Vauxhall Tavern, © Rob Holley Future of the Royal Vauxhall Tavern

performance, to its role during the AIDS crisis of the 1980s.

Other previously marginalised communities have, with the help of public and lottery funding, established museums in order to preserve their histories and educate others for example the Jewish Museum in Camden and the Black Cultural Archives in Brixton. No such museum exists for the LGBT community. The Royal Vauxhall Tavern, with its long standing links to LGBT lives in the past, has a comparative social and communal value as a museum. It should be safeguarded for future generations.”

### **Outcomes**

In September 2015, the pub was given a Grade II listing, recognising the pub’s architectural significance and symbol of the gay community in London. The Royal Vauxhall Tavern is the first UK listing of an LGBT venue.

The listing coincides with Historic England’s Pride of Place research project, looking into the history of LGBT venues across the UK.

## Retaining clusters to support identity and growth

**Planning and cultural policy can work together to support London's many specialist creative clusters.**

Example of special policy area  
Also relevant for local plan

### Savile Row, Mayfair

Savile Row is famous for its traditional bespoke men's tailoring. In fact, the term 'bespoke' is understood to have originated here. In the late 18th century, tailors began opening businesses in nearby Cork Street and moved into Savile Row in 1803.

Henry Poole, who is credited with inventing the dinner jacket or tuxedo, opened an entrance to Savile Row from his tailoring premises in Old Burlington Street and still has a presence on the street today. Other notable tailors include Gieves & Hawkes, Paul Boateng, and Hardy Amies Ltd who also designed the costumes for 2001: A Space Odyssey and dressed the Queen, designing the gown used for the silver jubilee portrait in 1977.

Savile Row's unique nature comes from the mix of uses within individual units (for

example workshops alongside retail). The whole tailoring process – from making to selling – takes place on the street.

Competing demands for space, rising rents and business rates are a feature of the area. The highest retail rental deal in British history was signed in Bond Street in 2013.

### Special policy areas of Westminster

Westminster Council has long protected and encouraged specialist uses in defined special policy areas (SPAs). SPAs in Westminster include Harley Street (medical facilities); Portland Place (institutional uses), East Marylebone (wholesale showrooms) and St. James's (private members' clubs, art galleries, niche retail).

SPAs help ensure that unique clusters of activity are not lost to other commercial uses. SPAs help nurture specific industries, while enhancing London's global reputation.

Gieves & Hawkes, Savile Row © GQ magazine / Conde Nast



### Savile Row: special policy area

Savile Row's SPA sets out in detail what is permitted in relation to change of use:

- All development proposals have to demonstrate that they will not have a negative impact on the character and function of Savile Row.
- Existing bespoke tailoring uses are protected. New bespoke tailoring is allowed – particularly at basement and ground level.
- A1 retail is permitted, subject to a number of criteria, and providing that no bespoke tailoring is lost.
- New retail should be bespoke, unique, limited edition or one of a kind products. The retail function should be complementary to the street's character and function.
- Land use swaps are acceptable if there is no net loss of bespoke tailoring floorspace, or the accommodation provides higher quality or larger bespoke tailoring space, and the retail criteria set out above are met.

### Outcomes

Through this, and other SPAs in the area, Westminster is able to sustain world class creative, retail and business clusters.

This supports jobs and growth in the borough, while ensuring that London's West End retains its unique character.

## Recognising the important social role of public assets

### How a local authority is attempting to create area wide policy protection for certain categories of venues.

**Example of article 4 direction**  
Also relevant for supplementary planning

#### Wandsworth

According to the Campaign for Real Ale, 90 pubs in London are closing every year. The reasons are complex and are not always due to development. However, under permitted development rules, pub owners do not need planning permission to demolish an unlisted pub outside a conservation area or change the use of a pub.

In Wandsworth, there are around 150 pubs, many of which are historic and listed. Wandsworth Council has applied a two stage approach to safeguarding them – a Supplementary Planning Document and Article 4 Directions. Deputy Council Leader, Jonathan Cook has said:

“We think we're the first council to act on this scale and we're happy to share our learning with other authorities. This is a Londonwide problem we can't afford to ignore.”

#### Supplementary planning

In May 2015, following a public consultation, Wandsworth brought its 'Town Centre Uses Supplementary Planning Document' into force, building upon the policies in Wandsworth's Local Plan.

Planning permission will not be given to redevelop a pub if it is deemed important historically or architecturally, or is important to the local community. Guidance sets out the determining criteria:

- (i) located in a conservation area
- (ii) listed status
- (iii) of historic value and also
- (iv) community value criteria, including whether it had a licence for entertainment / events / performance or sports; whether it had rooms / areas for hire; whether it held non-licensed events; and whether it had its own sports club or team.

#### Article 4 directions

'Article 4 directions' will be published this year covering 121 pubs. This will require owners of those pubs to apply for planning permission



before demolishing them or changing them into shops or other uses. The council could then use its new supplementary planning documents as grounds for refusal.

### **Outcomes**

Wandsworth is also taking swift action where planning rules are broken. In 2015 The Alchemist pub in Battersea, which is within a conservation area, was demolished without planning consent.

The council took immediate enforcement action and has since refused a retrospective planning application from the developer who must now rebuild the property brick by brick. Planners ruled that the developer's application should be refused because the loss of a local landmark and prominent historic building in a conservation area would be against the public interest.

By removing permitted development rights from so many pubs across the borough, Wandsworth has been branded the most 'pro-pub council in the country.'

## Finding solutions for culture in a growing urban environment

### How a nightclub and a developer have applied agent of change.

Example of agent of change  
Also relevant for section 106

#### Ministry of Sound, Southwark

The Ministry of Sound (MoS) has been in operation for almost 25 years and attracts 300,000 visitors a year. It is the last remaining 'superclub' in the capital, and has nurtured the talents of generations of DJs and musicians.

The MoS is also the world's largest independent record label, selling more than 50 million albums. It is a flagship business in the Elephant & Castle Enterprise Quarter alongside London South Bank University, London College of Communications, MORI and the Salvation Army headquarters. MoS is the leading business in Southwark's night time economy and one of the top local growth firms.

#### Eileen House

Between 2009-2013, Englewood Limited and architect Allies and Morrison submitted a planning application for a residential development comprising a 41 storey building and separate 8 storey building. The proposal contained 270 private flats, retail and office space, and public realm improvements including the creation of a residents' garden and University Square.

Due to the site's proximity to the Ministry of Sound, MoS raised objections to the inclusion of residential accommodation as a potentially sensitive receptor of noise emanating from the premises.

Accordingly, the architects amended the design to incorporate acoustic glazing, sealed windows and wintergardens to the elevations identified as most vulnerable to such noise, and openable windows and wintergarden doors, also

fitted with acoustic glazing, on the remaining elevations.

The mayor's Housing SPG advocates the use of winter gardens as a form of acoustic mitigation in noise environments such as this.

#### Deed of easement

In November 2013, at a representation hearing held by the Mayor of London into the application, the Ministry of Sound proposed a Deed of easement of noise to be granted to MoS to deal with the potential for adverse impacts arising from the proposal.

A subsequent Deed of Easement was signed with the landowner, and gives MoS the right to produce 'club noise' up to the 'current club noise level.'

'Club noise' means noise produced by running a nightclub business from the Club. 'Current club noise level' means the level of the club noise currently produced as specified in a separate club noise report.

The right binds the present landowner and any successors in title. It also binds all occupants of Eileen House.

In practice, this means that – providing noise does not exceed current levels – any future resident of Eileen House will not be able to make complaints about noise arising from the Ministry of Sound.

The alterations in the original design, combined with the deed of easement, have helped the landowner and the MoS find a way to co-exist.

Since 2008, a number of large clubs have closed down as a result of development, including The Cross (in 2008 for Kings Cross development), Turnmills (in 2008 for housing development in Clerkenwell) and the Astoria (demolished in 2009 to make way for Crossrail).

As London's population continues to rise, the pressures of density and intensification may make such agreements more commonplace as cultural venues and developments find ways to secure their long term futures.

## Early activation in a development can create a buzz

**Cultural strategy can be embedded from the outset of development, informing all stages of its realisation.**

**Example of early activation – temporary/meanwhile use**

**Also relevant for planning framework**

This site in Hayes, Middlesex was originally owned by the Gramophone and Typewriter Company. Throughout the first half of the twentieth century, EMI had a plant here, the home for His Master's Voice. At the height of its operations in the 1960s, 22,000 people worked on the 150-acre site which became the centre of the world's vinyl production.

The £250m redevelopment is a complex, mixed-use masterplan that will create a new business, retail and residential quarter for Hayes. The new neighbourhood will be connected to Hayes town centre and will comprise 630 new homes, a restaurant complex, new cafes and shops as well as 40,000 sq ft of creative workspace.

### Early activation

The scheme has been informed by the site's rich industrial and innovation heritage. From the outset, a cultural programme has

been developed to activate the site with a range of exhibitions and performances, including:

- live acoustic sessions with young musical talent
- exhibitions about the history of the site
- a shared, creative space for meetings and events designed by artist Morag Myerscough
- contemporary, classical and digital music lessons for local communities

### Outcomes

The Masterplan also sets out a longer term cultural vision for the site. A new Central Research Laboratory has also been launched. This is a pilot incubator programme for 20 makers who will be offered expert mentoring, collaborative workspace, and access to prototyping equipment.

Income generated through allowing location shoots, including Thor: The Dark World, was a factor in allowing the developer to continue to activate the site.

The Old Vinyl Factory, painted by Remi Rough and System from the Agents of Change collective © Cathedral Group



## Further support and information

### Local plan

More detailed information can also be found here:

[planningguidance.planningportal.gov.uk/blog/guidance/local-plans/preparing-a-local-plan/#paragraph\\_009](https://planningguidance.planningportal.gov.uk/blog/guidance/local-plans/preparing-a-local-plan/#paragraph_009)

### Neighbourhood plans

A summary of the key stages in neighbourhood planning can be found here:

[planningguidance.planningportal.gov.uk/blog/guidance/neighbourhood-planning/key-stages-in-neighbourhood-planning/](https://planningguidance.planningportal.gov.uk/blog/guidance/neighbourhood-planning/key-stages-in-neighbourhood-planning/)

More detail and guidance about funding can be found here:

[mycommunity.org.uk/programme/neighbourhood-planning/?\\_a=funding](https://mycommunity.org.uk/programme/neighbourhood-planning/?_a=funding)

In areas of historic importance Historic England have provided advice on the development of a neighbourhood plan.

[historicengland.org.uk/advice/planning/plan-making/improve-your-neighbourhood/](https://historicengland.org.uk/advice/planning/plan-making/improve-your-neighbourhood/)

### Section 106

See more at:

[pas.gov.uk/3-community-infrastructure-levy-cil/-/journal\\_content/56/332612/4090701/ARTICLE](https://pas.gov.uk/3-community-infrastructure-levy-cil/-/journal_content/56/332612/4090701/ARTICLE)

### Community Infrastructure Levy (CIL)

Guidance setting out the main procedures local authorities need to follow when introducing and operating the community infrastructure levy.

[communities.gov.uk/planningandbuilding/planningsystem/communityinfrastructurelevy](https://communities.gov.uk/planningandbuilding/planningsystem/communityinfrastructurelevy)

### Community ownership

More detail about community rights and the various grant schemes is published online:

[mycommunityrights.org.uk/](https://mycommunityrights.org.uk/)

[jrf.org.uk/report/community-ownership-and-management-assets](https://jrf.org.uk/report/community-ownership-and-management-assets)

### Asset of community value

The following website sets out more detail about Community Rights and the various grant schemes:

[mycommunityrights.org.uk/](https://mycommunityrights.org.uk/)

[microgenius.org.uk/project/antwerp-arms-association-18](https://microgenius.org.uk/project/antwerp-arms-association-18)

The Social Investment Business (SIB) can also be a useful source of advice:

[sibgroup.org.uk/about/](https://sibgroup.org.uk/about/)

### Conservation areas

[historicengland.org.uk/advice/planning/conservation-areas/](https://historicengland.org.uk/advice/planning/conservation-areas/)

A useful document to look at include the Understanding Place – Conservation Areas

[historicengland.org.uk/images-books/publications/understanding-place-conservation-area/](https://historicengland.org.uk/images-books/publications/understanding-place-conservation-area/)

[camden.gov.uk/ccm/content/environment/planning-and-built-environment/two/planning-policy/local-development-framework/development-policies/](https://camden.gov.uk/ccm/content/environment/planning-and-built-environment/two/planning-policy/local-development-framework/development-policies/)

### Listed buildings

The following link provides advice on the management of heritage assets:

[historicengland.org.uk/images-books/publications/gpa2-managing-significance-in-decision-taking/](https://historicengland.org.uk/images-books/publications/gpa2-managing-significance-in-decision-taking/)

The National Heritage List for England (NHLE) is an official and up-to-date database of all nationally designated heritage assets. The vast majority of entries on the list (95%) are buildings.

More information on listing, including the criteria, is found on Historic England's website:

[historicengland.org.uk/listing/selection-criteria/](https://historicengland.org.uk/listing/selection-criteria/)

There are 20 thematically-arranged selection guides giving detailed guidance about what may be eligible for listing. This includes a guide for culture and entertainment – please see link below:

[content.historicengland.org.uk/images-books/publications/dlsg-culture-entertainment/culture\\_and\\_entertainment\\_final.pdf](https://content.historicengland.org.uk/images-books/publications/dlsg-culture-entertainment/culture_and_entertainment_final.pdf)

A searchable List can be found here:

[historicengland.org.uk/listing/the-list](https://historicengland.org.uk/listing/the-list)

[historicengland.org.uk/research/inclusive-heritage/lgbtq-heritage-project/](https://historicengland.org.uk/research/inclusive-heritage/lgbtq-heritage-project/)

## Further reading

### Policy and planning

#### National Planning Policy Framework

Department for Communities and Local Government (DCLG)  
March 2012

#### Plain English guide to the Planning System

Department for Communities and Local Government (DCLG)  
January 2015

#### Planning Practice Guidance

Department for Communities and Local Government (DCLG)  
March 2014

#### The London Plan

Greater London Authority  
March 2015

#### Social Infrastructure Supplementary Planning Guidance

Greater London Authority  
May 2015

#### Planning Advisory Service

[pas.gov.uk](http://pas.gov.uk)

#### The Planning Portal

[planningportal.gov.uk](http://planningportal.gov.uk)

#### Cultural Metropolis

The Mayor's Cultural Strategy – Next Steps  
Greater London Authority, 2014

#### World Cities Culture Report

Greater London Authority, 2012  
Greater London Authority  
November, 2015

#### Achieving Great Art for Everyone

A strategic framework for the arts  
Arts Council England  
November 2010

#### Measuring Cultural Value

NESTA, Hasan Bakhshi, March 2012

#### Culture on the High Street

Greater London Authority  
July 2013

#### Artists' Workspace Study

Report and Recommendations  
We Made That / Greater London Authority  
July 2014

#### Creating Artists' Workspace

Case Studies  
Greater London Authority  
March 2015

#### London's Grassroots Music Venues

Rescue Plan  
Greater London Authority  
October 2015

