

Our Ref.: RA/3632

26 August 2015



For the attention of Nanayaa Ampoma

Development Management
London Borough of Camden
Town Hall
Argyll Street
London WC1H 8ND

Camden People's Theatre, 58 Hampstead Road, London

Application Ref.: 2015/4232/P

I write regarding the above application for the change of use and alterations to the upper levels of the building at 58 Hampstead Road from Sui Generis to Residential C3. Unfortunately the Trust was not consulted, as per our remit which relates to the fact the Camden People's Theatre is located on the ground floor of the building. Please see our detailed advice below.

Remit: The Theatres Trust is The National Advisory Public Body for Theatres, safeguarding theatre use or the potential for such use. Established by The Theatres Trust Act 1976, the Trust delivers statutory planning advice on theatre buildings and theatre use in England through The Town and Country Planning (Development Management Procedure) (England) Order 2015 (DMPO), requiring the Trust to be consulted on planning applications '*involving any land on which there is a theatre*'.

Advice/comment: The Camden People's Theatre is an important local cultural asset with strong community support that has been operating in this location since 1994. While not opposed to the general concept, The Trust objects to this application because we are substantially concerned about the adverse effect the development will have on the long term viability and operation of the theatre. Developments that seek to co-locate noise sensitive uses, such as a theatre and residential, need to be carefully planned to ensure the proposal will not have a negative effect on the viability of the theatre or the living conditions of the residents.

From our experience across the UK, having residential use in close proximity to a theatre or performance venue inevitably creates serious issues for both the venue and the new residents. Where there are insufficient safeguards in place (mainly via sound insulation), the residential use can jeopardise the theatre's operation. Disputes can emerge and residents can request a Noise Abatement Notice be issued by the council on the theatre operator restricting its activities and putting it at risk of closure.

The theatre generally operates seven days a week, and for extended hours each day including evening performances and rehearsals during the day. Normal operation of a theatre creates noise from the use of amplification and sound effects, the moving, loading and uploading of production equipment and sets, and noise associated with theatre goers. Theatres are also sensitive to noise generated by surrounding uses and we are aware that performances at other small scale theatres, such as the Finborough Theatre in the Royal Borough of Kensington and Chelsea, are interrupted by the sound of residents walking around, watch TV, flushing toilets, etc.

Protecting theatres for everyone

Director Mhora Samuel **Chair** Tim Eyles

Trustees Nick Allott OBE, Dara Ó Briain, Ruth Eastwood, Tim Foster, Oliver Goodwin, Prof Gavin Henderson CBE, Jerry Katzman, Dame Penelope Keith DL, Judith Mellor OBE, Peter Roberts, Matthew Rooke, Simon Ruddick, Ann Skippers, Anna Stapleton

The Trust's objection and advice is based on clear directions for the safeguarding of culture venues within the National Planning Policy Framework (NPPF). The importance of cultural facilities and cultural well-being is highlighted by its inclusion as one of the 12 core planning principles (paragraph 17) with further guidance in paragraph 70 which states that in 'promoting healthy communities', planning decisions should '*plan positively for cultural buildings*' and '*guard against the loss of cultural facilities and services*.' Paragraph 123 and the Planning Practice Guidance on Noise are also relevant and state that existing 'businesses should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established'.

We also note that Policy CS10 in the Camden Core Strategy seeks to 'support the retention and enhancement of existing community, leisure and cultural facilities'. Any planning proposal that would have a negative impact on the long term viability of the Camden People's Theatre would therefore be contrary to both the NPPF and the Core Strategy.

In a Planning Inspectorate decision of 26 March 2013 (Reference APP/ X5990/A/12), the Inspector refused consent for conversion of offices into residential use adjacent to the London Palladium (City of Westminster). After reviewing specialist acoustic evidence from appellants and third parties on behalf of the owners of the London Palladium, the Inspector concluded (paragraph 15) that '...the proposal would not provide satisfactory living conditions...and would have an adverse effect on the operation of the adjacent theatre'. At the hearing, and in written evidence, a number of examples were cited where theatres have had to close, restrict their operation, or incur very substantial expenditure to overcome the problems of having adjacent residential development and the Inspector attached weight to evidence in relation to these theatres in the appeal decision referred to above.

In another recent Planning Inspector's decision of October 2014 (Reference App/K5600/A/14/2222551) relating to a proposal for two additional residential units above the Finborough Theatre, the Inspector dismissed the appeal and noted that the proposal represented an intensification of the residential use (paragraph 18) and 'the long term operation of the theatre would not be safeguarded' due to the impact of the residential use (paragraph 21).

In order to safeguard the theatre and its operation, this proposal needs to ensure that the new residents will not be disturbed by the theatre to the extent that Council would be required to take any action. Given the age and construction of the building there are no guarantees of noise mitigation measures being fully successful and this has certainly not been fully demonstrated within this application. The upper floors have, until recently, not been used for residential purposes, and the theatre reports that activity from the level immediately above is audible in the theatre.

The Sound Insulation Assessment by Accon UK recommends a number of noise mitigation measures, including upgrading the party floor with the installation of resilient bars, a mass loaded vinyl and particle board flooring layer and additional insulation in the floor cavity, and suggests this will meet current standard sound insulation requirements. However, it is a concern that the focus is on noise from the theatre and not from the apartments, and that to achieve the noise levels expected in the apartments, the recommendations include at item 7.2 a limit on the sound system used in the theatre and relocation of the theatre's air conditioner and speakers. This is an unacceptable approach and directly conflicts with the guidance in para 123 of the NPPF. Any sound insulation proposed must be able to achieve satisfactory living conditions within the apartments without requiring the theatre to alter the way it operates. The Assessment and proposal must therefore be reviewed as it is clear additional measures are required to satisfy para 123 of the NPPF and safeguard the theatre.

If Council is minded to permit the development and is satisfied these measures will achieve the noise mitigation levels required to ensure there is no conflict between the theatre and residential units, then the noise mitigation requirements specified in the Sound Insulation Assessment must be included as conditions of consent. We also request the installation of carpet on an acoustic underlay in the apartment on the level directly above the theatre is conditioned as the siting of an

entire apartment directly above the performance space is where potential conflict will most likely occur. We would also recommend new independent acoustic wall linings are considered.

If permitted, the Trust would also be concerned about ongoing operation of the theatre during construction. The Camden People's Theatre is a small theatre that operates on very tight margins and the business model to make a small theatre of this nature viable requires the theatre to generate income seven days a week. Construction noise would prohibit rehearsals and performances, particularly matinees, and some of the construction work may prevent access to the theatre. As a charity, the theatre cannot afford an extended dark period that would likely be required when the works are undertaken to the stair well, party floor and on the levels above and that would be unacceptable in planning terms. Financial compensation should be required for any losses incurred in order to sustain the theatre, preferably secured through a section 106 planning agreement. If the Council is minded to support the application, we strongly recommend the following conditions are included:

Prior to the commencement of construction, works a detailed Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority in consultation with The Theatres Trust. The Method Statement shall detail the method of construction to be used that will allow the theatre to operate normally, and advise of the measures proposed in accordance with the best practicable means to minimise construction noise and vibration likely to affect the adjacent residential premises and the theatre.

Purpose - To safeguard the amenity and operation of the Theatre.

And:

Prior to the commencement of construction works, a Construction Management Plan is to be developed in consultation with management of the Camden People's Theatre and shall be submitted to and approved in writing by the Local Planning Authority in consultation with The Theatres Trust. This is to specify when construction and deliveries can take place in order to minimise impact on the two venues and is to include no demolition, construction works or deliveries during performances (including evening shows and the midweek and Saturday and Sunday matinees) and rehearsal times. Clear access to the theatre is required at all times, with efforts made to ensure the public know the theatre is open during construction.

Purpose: To minimise the impact of construction on the operation of the theatre.

The Theatres Trust is unable to support this application in its current form until it is guaranteed the Camden People's Theatre is fully protected and we recommend the application is deferred or refused until further detail regarding the appropriate level of noise insulation is provided. Please contact us if we may be of further assistance.

Yours sincerely,



Ross Anthony
Planning Adviser