

# Protecting theatres for everyone



Our Ref.: RA/2629

16 June 2016

For the attention of Mr Charles Thuaire

Planning Solutions Team  
London Borough of Camden  
Town Hall  
Argyll Street  
London WC1H 8ND

Dear Mr Thuaire,

**1A Highgate Road, Kentish Town, London, NW5 1JY**

Application Ref.: 2016/2279/P

I write regarding the above Class P Prior Approval application for the change of use of a Class B8 warehouse to Class C3 residential units near the Forum Theatre in Kentish Town. The Theatres Trust objects to the application. Please see our advice below.

**Remit:** The Theatres Trust is the national advisory public body for theatres. We champion the past, present and future of live theatre, by protecting the buildings and what goes on inside. We believe that current and future generations should have access to good quality theatre buildings where they can be inspired by, and enjoy, live theatre. We were established through the Theatres Trust Act 1976 'to promote the better protection of theatres' and provide 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 by local authorities on planning applications which include 'development involving any land on which there is a theatre'. This includes any existing building or part of a building constructed wholly or mainly for public performance, for example theatres, arts centres, ciné-varieties, purpose-built and converted buildings, new theatres, and important historic theatres in other uses or disused.

**Advice:** The Theatres Trust objects to this application because we are substantially concerned the proposal will have an adverse effect on the ongoing operation of the Forum Kentish Town. We do not believe the applicant has adequately address the prior approval requirements relating to noise, as outlined in Class P of the GPDO 2015. We are particularly concerned about Para. 8.2.2 of the noise and vibration study that acknowledges the site is affected by noise break out from usual use of the Forum, but dismisses this as an issue as it is not in regular use. The Forum is indeed in regular use with performances scheduled nearly every Friday and Saturday evening and indeed other evenings as well.

From our experience, having a residential use in close proximity to a live performance venue inevitably creates serious issues for both the venue and the new residents. The Forum is in operation six days a week presenting over 150 shows a year, in accordance with their licence. It creates, and will be, a source of potential noise; including amplification, the loading and unloading of

## Theatres Trust

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**Chair** Tim Eyles **Director** Mhora Samuel

**Trustees** Nick Allott OBE, Richard Baldwin, Dara Ó Briain, Paddy Dillon, Ruth Eastwood, Oliver Goodwin, Prof Gavin Henderson CBE, Jerry Katzman, Dame Penelope Keith DL, Judith Mellor OBE, Peter Roberts, Simon Ruddick, Ann Skippers, Anna Stapleton

The National Advisory Public Body for Theatres

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production equipment, garbage removal, and noise associated with audiences arriving and leaving the venue.

In order to protect the viability of the Forum, this proposal needs to ensure that adequate noise and vibration mitigation measures are incorporated in to the development to ensure the new residents will not be disturbed by the operation and use of the Forum to the extent that Camden's Environmental Protection Team would be requested to take any action. This has not been clearly demonstrated in this application. Given the age and construction of the Forum, if served with a notice, there are no guarantees of later noise mitigation measures being successful, or even being permissible, given the Forum is a listed building.

I'd like to point out a recent Planning Inspectorate decision (Reference APP/ X5990/A/12) to refuse consent for conversion of offices to residential adjacent to the London Palladium Theatre, and another decision (Reference APP/K5600/A/14/2222551) to dismiss an appeal for the creation three residential units on the upper levels of the building containing the Finborough Theatre, London (Royal Borough of Kensington and Chelsea). The Inspectors concluded in both cases that there would be harm to future residents living conditions in respect of disturbance from theatre activities and that the long term operation of the theatre would not be safeguarded.

Furthermore, the Trust has been involved with a similar case involving the Tyne Theatre and Opera House in Newcastle where acoustic measures to ensure that there was sound separation between the theatre and adjoining residential accommodation (which was approved by the Local Planning Authority and implemented by the developers) did not work. Indeed, loud music was still audible within some of the newly built flats. As a result, a dispute emerged over the release of the planning conditions and many residents requested a Noise Abatement Notice to be served on the theatre operators. We are obviously concerned that the same could happen here.

In addition, the importance of protecting community and cultural facilities, such as the Forum, is stressed in the National Planning Policy Framework (NPPF). The Core Planning Principles (para. 17) state planning should 'take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs'. Item 70 states that to deliver the social, recreational and cultural facilities and services that the community needs, planning policies and decisions should plan for the use of shared space and guard against unnecessary loss of valued facilities. Also to ensure that established facilities and services are retained and able to develop for the benefit of the community.

The Trust cannot support the application until it is clear that adequate living conditions will be provided in the new units and that the proposal will not have a negative impact on the long term operation and viability of the Forum. The noise and vibration study does not clearly achieve this, nor relate to the existing proposal and therefore does not address the prior approval requirements relating to noise, as outlined in Class P of the GPDO 2015.

Yours sincerely,



Ross Anthony  
Planning Adviser

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