

## **Appendix 1 – draft policies on Culture, Visitors and the Night-Time Economy**

### Context

London has long been recognised as one of the world's great cultural cities, but it is less widely known that the City of London contains a huge concentration of arts and cultural facilities, which contribute to the uniqueness of the Square Mile and complement the primary business function of the City. These facilities include galleries, theatres, museums, heritage attractions, Livery Halls, libraries, places of worship and concert halls. In recent years a growing number of night-time entertainment facilities such as clubs, bars and event venues have also located in the City, alongside the traditional historic public houses.

The City's cultural offer has become increasingly important and is now an integral element of the Square Mile, alongside the business City. The Barbican is identified as a Strategic Cultural Area in the London Plan and the City Corporation has ambitious plans for the Culture Mile, as explained in the Key Areas of Change section.

The City Corporation has prepared Visitor and Cultural Strategies that promote the City as a high-quality visitor destination with an emphasis on world-class cultural facilities. It is estimated there are approximately 18 million business and leisure visitors a year to the City and this is expected to continue to grow as a result of an increased cultural offer and improvements to transport accessibility such as Crossrail. Suitable facilities and hotel accommodation are required to provide visitors with a pleasant experience whilst in the City.

Art can contribute significantly to the quality of the environment and cultural experience, particularly where it enhances a sense of place. Public art can mitigate the impacts of development by the creation of works giving visual pleasure and helping to re-establish local identity and sense of place.

### **Policy CS X Culture, Visitors and the Night-Time Economy**

The City's contribution to London's world-class cultural offer will be maintained and enhanced and the City's communities will be able to access a range of arts, heritage and cultural experiences by:

1. Providing, supporting and further developing a wide range of cultural facilities across the City, and delivering a major destination for culture and creativity in the north west of the City through the Culture Mile initiative;
2. Protecting existing cultural facilities where they are needed and ensuring there is no overall loss of cultural facilities or diversity in the City;
3. Allowing hotel development where it supports the primary business or cultural role of the City, and refusing new hotels where they would compromise the City's business function or the potential for future business growth;
4. Enabling a vibrant evening and night-time economy, while proactively managing night-time entertainment premises to minimise disturbance to residents and workers;

5. Maintaining the City's existing collection of public art and culturally significant objects and pursuing opportunities to commission new, high quality pieces in appropriate locations;
6. Maintaining and developing the City's open spaces and streetscape to accommodate cultural events and activities that are accessible to all City communities and which celebrate the City's unique cultural offer.

### Reason for the Policy

The City's cultural infrastructure is important to the distinctive character of the Square Mile. The international reputation and high quality of this cultural activity has a critical part to play in the vibrancy of the working environment and adds to the appeal of the City as a place to do business. It also helps to attract an increasing number of visitors, with consequent economic benefits, and supports the well-being of residents and workers. For all these reasons, new arts and cultural facilities will be promoted and existing facilities protected from development where needed, or replaced where appropriate.

### **Policy DM X Protection of Existing Visitor, Arts and Cultural Facilities**

1. The loss of existing visitor, arts, heritage and cultural facilities will be resisted, unless:
  - replacement facilities are provided on-site or within the vicinity which meet the needs of the City's communities; or
  - the use can be delivered from other facilities without leading to or increasing any shortfall in provision and it has been demonstrated that there is no demand for another similar use on the site; or
  - it has been demonstrated that there is no realistic prospect of the premises being used for a similar purpose in the foreseeable future.
2. Proposals resulting in the loss of visitor, heritage, arts and cultural facilities must be accompanied by evidence of the lack of need for those facilities. Loss of facilities will only be permitted where it has been demonstrated that the existing facility has been actively marketed for its current or an alternative visitor, heritage, arts or cultural use at reasonable terms for such a use.

### Reason for Policy

The vibrancy of the City's cultural offer depends on a broad network of arts and cultural organisations and facilities, and it is important that there is sufficient floorspace available to accommodate these uses. There is strong competition from commercial uses because of the high land values in the City so it will be necessary to demonstrate that an existing arts or cultural use is no longer needed, before a site will be allowed to change use.

There are many cultural facilities that are unique to the City, and maintain an historic or cultural association with the Square Mile. Special consideration needs to be given

to the protection of these facilities to maintain the City's unique cultural heritage. Examples of such facilities include Livery Halls, historic public houses, theatres, museums, churches, heritage attractions and specialist retail premises such as the Silver Vaults in Chancery Lane. The policy does not apply to hotels.

#### How the policy works

Applicants will be required to demonstrate that an existing visitor, heritage, arts or cultural facility has been marketed and that there is no reasonable interest from relevant organisations. Information should be included which sets out the length of time the property or site has been marketed; the number of viewings; the comments from prospective purchasers or tenants (including reference regarding the suitability of continued visitor, arts or cultural use).

#### **Policy DM X Provision of Visitor Facilities**

1. The provision of facilities that meet the needs of visitors in new cultural developments and in nearby open spaces and the public realm, will be encouraged, including:
  - seating, benches and tables that can be used for resting and other activities;
  - structures and landscaping to enable children's play and provide facilities for school groups;
  - suitable shelter from weather conditions including heat and rain;
  - accessible public convenience provision;
  - suitable signage, way finding and links to visitor facilities and destinations;
  - temporary pop-up art installations in appropriate locations;
  - performance spaces where appropriate.

#### Reason for the policy

The City attracts large numbers of tourists in certain locations such as around St. Paul's Cathedral and near the Tower of London; this is expected to grow with the Culture Mile initiative. Open spaces near tourist attractions should provide facilities that improve the experience for visitors and cater for how visitors use the space, providing that such facilities can be accommodated without detracting from the setting of the relevant tourist attraction or the wider townscape.

#### **Policy DM X Hotels**

1. Proposals for hotels and other visitor accommodation will be permitted providing they:
  - do not result in the loss of viable office accommodation for which there is continuing need, as set out in Policy xx;
  - do not result in adverse impacts on the amenity of neighbouring occupiers, including cumulative impacts;
  - include a range of facilities accessible to non-residents;

- provide satisfactory arrangements for pick-up/drop-off, service delivery vehicles, taxis and coaches, appropriate to the size and nature of the development;
  - are inclusive, providing at least 10% of hotel rooms to wheelchair-accessible standards;
  - ensure continuing beneficial use for historic buildings, where appropriate.
2. Proposals for new hotels and other visitor accommodation will be resisted where they would result in an over-concentration of similar uses in the surrounding area.

### Reason for the policy

While the majority of visitors are day-trippers, the City has seen strong demand for hotel accommodation in the last ten years, and now has over 30 hotels, apart-hotels and hostels. The GLA has forecast the need for an additional 58,146 bedrooms in London by 2041. This demand is driven by a predicted increase of 42 million international visitor nights and a 15 million increase in domestic visitor nights. The City's predicted share of this increase is 4,341 rooms. Based on past trends and hotel sites currently permitted or under construction, there is a strong likelihood of the City meeting the London Plan requirement.

Hotel accommodation is important to cater for business visitors wishing to stay in the City, as well as leisure visitors. The amount of office floorspace will increase significantly in the next 20 years and the demand for hotels for business accommodation will therefore increase. Visitor numbers are also predicted to increase and the development of the Culture Mile is likely to increase demand for hotel accommodation in that part of the City which currently has very few hotels.

There is, however, a need to ensure that hotel development does not prejudice the primary business function of the City by displacing sites that are suitable for office accommodation. Hotels can also cause amenity issues for surrounding occupiers, for example through noise nuisance or traffic and servicing impacts. Where new hotels are considered to be acceptable, they should enable non-residents to access facilities such as meeting rooms, restaurants or leisure facilities in order to bring the maximum benefit to the City's communities.

Proposals for new hotels and other visitor accommodation will be considered more favourably in the Culture Mile (see Policy xx) and are unlikely to be appropriate in the Eastern City Cluster (see Policy xx).



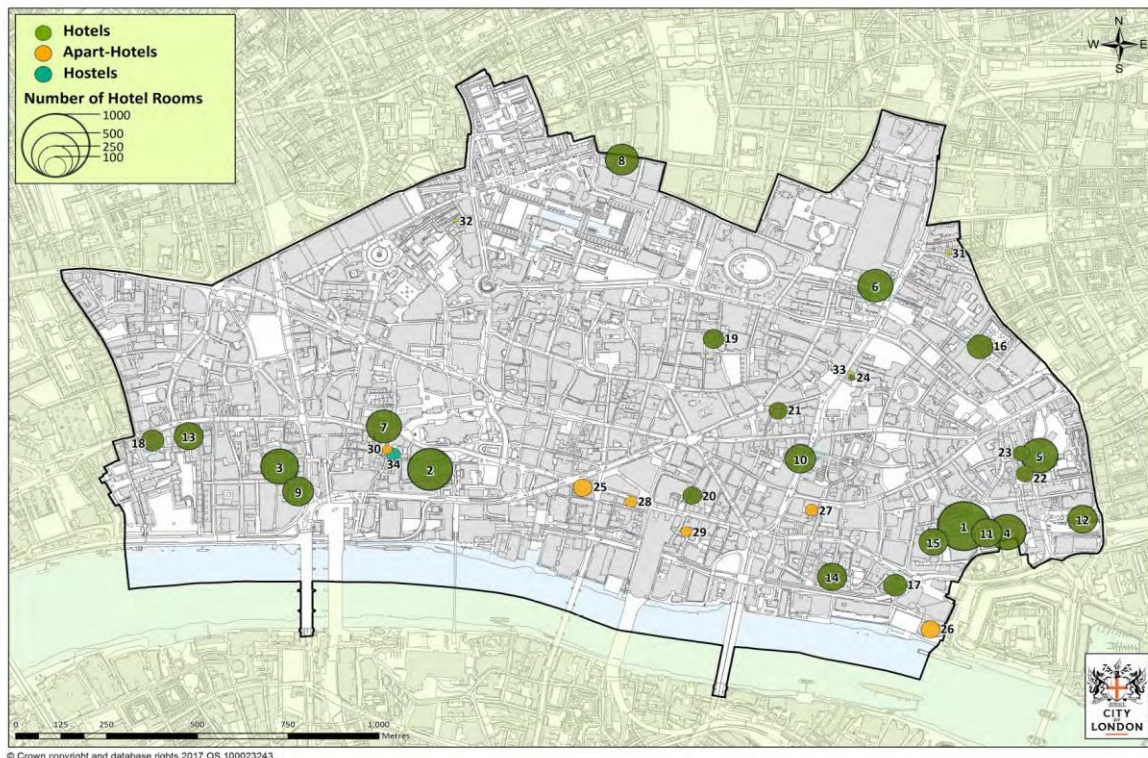


Figure x: Hotel distribution 2017

### How the policy works

Policy DM X applies to hotels, apart-hotels and serviced apartments.

Applications for large hotels which accommodate significant numbers of people will be assessed on their merits to determine if they would cause adverse impacts on surrounding occupiers. Large scale is defined as accommodation with over 100 bedrooms.

Apart-hotels and serviced accommodation often display characteristics associated with permanent, self-contained housing. Some are more akin to hotels in the type of services they provide, but may result in different impacts. Apart-hotels/serviced apartments may therefore fall within the C1 or C3 Use Classes, depending on their characteristics. Factors that may affect the Use Class include;

- Presence of on-site staff/management;
- Presence of reception, bar or restaurant;
- Provision of cleaning and administrative services;
- Ownership of units/ability to sell on open market; and
- Minimum/maximum lease lengths.

Where apart-hotels are considered to fall within the C3 (dwelling houses) Use Class, proposals will be assessed in accordance with relevant housing policies in the Local Plan rather than this policy on hotels. Conditions will be used to ensure units are subject to minimum lease lengths.

For proposals within the C1 (Hotels) Use Class, planning conditions will be considered to ensure that units would not be used or occupied by permanent households as this would reduce the availability of accommodation for short-term

visitors to the City and would put pressure on local services and infrastructure. Conditions will therefore be used to ensure units are subject to maximum lease lengths (typically 90 days).

### **Policy DM X Evening and Night-Time Economy**

1. Proposals for new evening and night-time entertainment and related uses and the extension of existing premises will be permitted where it can be demonstrated that, either individually or cumulatively, there is no unacceptable impact on:
  - the amenity of residents and other noise-sensitive uses;
  - environmental amenity, taking account of the potential for noise, disturbance and odours arising from the operation of the premises, customers arriving at and leaving the premises and the servicing of the premises.
2. Applicants will be required to submit Management Statements detailing how these issues will be addressed during the operation of the premises.
3. Where new residential development is proposed close to existing evening or night-time uses, the residential development will only be permitted if it includes suitable measures to mitigate potential noise and disturbance to prospective residents.

#### Reason for policy

Evening and night-time entertainment is becoming an important part of the City's economy, bolstered by London's move toward becoming a 24-hour City, growing numbers of workers and visitors and the encouragement of arts and culture in the City. The night-time entertainment sector has, however, the potential to cause noise disturbance to nearby residents at night-time as well as other impacts such as anti-social behaviour, litter and odours. These adverse impacts need to be mitigated.

Anti-social behaviour can potentially be reduced by providing a broad range of evening and night-time activities that appeal to different customers, rather than concentrating one type of use in a particular area. This includes extending the opening hours of existing day-time facilities such as shops, cafes and leisure facilities, which can promote customer cross-over and create bridges between the day-time and night-time economy.

#### How the policy works

The City Corporation will apply the principle that the development responsible for change is responsible for managing the impact of that change. This means that a new residential development built near to an existing night-time entertainment use would be responsible for providing or funding appropriate soundproofing or other mitigation measures, whereas a new night-time entertainment use opening in a residential area would be responsible for the necessary mitigation measures.

Night-time entertainment uses in the City include restaurants and cafes (A3), drinking establishments (A4), hot food takeaways (A5) and other related uses

including, for example, a nightclub or a mix of such uses. They form part of the City's wider night-time economy, which includes 24-hour trading with other financial centres around the globe.

The control of night-time entertainment and licensed premises is undertaken through the operation of both planning and licensing regimes. In general, the planning regime controls the location, design and planning use of premises to protect the amenity of an area or local residents, whilst the licensing regime is used, having regard to licensing objectives, to control specific activities at premises to prevent, for example, noise and other public nuisance.

Planning and licensing regimes operate under separate legislative and regulatory frameworks. The City Corporation will ensure that, as far as is possible, a complementary approach is taken between planning and licensing within the legislative framework. The City Corporation publishes a Statement of Licensing Policy, which outlines the approach that it will take when considering applications for the sale and supply of alcohol, the provision of regulated entertainment and the provision of late night refreshment. This is supported by the City Corporation's Code of Good Practice for Licensed Premises. The City Corporation has also published a Noise Strategy which sets the strategic direction for noise policy within the City of London and outlines steps that the City will take, and is already taking, in dealing with noise issues, including those arising from night-time entertainment.

The character of many licensed premises has changed significantly in recent years. Existing and new premises often have longer operating hours, may have larger capacity and may provide live or recorded amplified music. Some of these premises are close to residential accommodation and this can result in complaints about disturbance and nuisance from excessive noise, particularly from people drinking and smoking outside, and arriving or leaving.

All planning applications for A3, A4, A5, and related, uses should include information stating the proposed hours of operation. Where this information is not provided, or hours of operation have not yet been confirmed, the City Corporation will impose conditions requiring the closure of the premises between the hours of 11pm and 7am unless further permission to vary these times is sought and granted.

Potential applicants seeking planning permission for a night-time entertainment use, between the hours of 11pm and 7am, are encouraged to engage at the earliest possible stage with the City Corporation as Licensing Authority, the City of London Police, local residents and other neighbouring occupiers that will be affected by the proposal. This will ensure that the local context and local sensitivities are fully understood and can be taken into account when designing premises for night-time entertainment uses and planning the operation of the proposed use to minimise adverse impact on amenity.

Planning applications for new and extended night-time entertainment uses or for variations of planning conditions must be accompanied by a Management Statement that addresses planning amenity issues, sets out how potential impacts on amenity will be addressed through the design of the premises and how they will operate without causing disturbance including:

- hours of closure to protect amenity;

- noise mitigation plans related to both internal and external noise, including measures to reduce sound transfer, such as sound-proofing, noise controls and double entry lobbies;
- the dispersal of patrons so as not to cause disturbance to residents;
- arrangements for the storage, handling and disposal of waste;
- a timed programme for deliveries and collections and other servicing arrangements;
- measures to deal with the emission of odours; and
- location of ventilation ducts and plant.

Assessment of the Management Statement will have regard to the City Noise Strategy, the provisions of the City of London Statement of Licensing Policy and to any submitted licence application operating schedule.

To safeguard quiet times and amenity, particularly for residents and other noise-sensitive uses, the City Corporation will attach planning conditions or seek s106 planning obligations to ensure compliance with agreed Management Statements. The City Corporation will normally apply conditions to limit the hours of operation where there is potential for unacceptable disturbance to local residents and others. Each case will be considered in relation to its locality and the need to strike a balance between the benefits to the City of night-time entertainment and the risk of disturbance to local residents, workers and others.

### **Policy DM X Public Art**

1. The City's public realm and distinctive identity will be enhanced by:
  - encouraging the provision of new artworks in appropriate locations in the City on public and private land;
  - protecting existing works of art and other objects of cultural significance and encouraging the provision of additional works in appropriate locations;
  - ensuring that financial provision is made for the future maintenance of new public art;
  - requiring the appropriate reinstatement or re-siting of art works and other objects of cultural significance when buildings are redeveloped.
2. The location of new and relocated artworks must:
  - take into consideration the health and safety of pedestrians and other road users;
  - avoid the proliferation of public art where the cumulative impact may have a detrimental effect on surrounding buildings and public realm.

### **Reason for the policy**

Art can contribute significantly to the quality of the environment, particularly where it enhances a sense of place. Public art can mitigate the impacts of development by the creation of works giving visual pleasure and helping to re-establish local identity and sense of place. In this way, public art is a form of community infrastructure. Public art includes temporary installations as well as non-physical



works such as soundscapes. There are several arts events held regularly in the City including Sculpture in the City which enables works of art to be located throughout the City. The quality of proposed public art must respect, and not detract from, the form and quality of the surrounding environment.

Objects of cultural significance can include blue plaques, statues, monuments, fountains, memorials, parish boundary markers and other similar heritage assets.

Due to the increase in public art in the City, issues have arisen in terms of appropriate siting, and whether works of art should be time limited to avoid inappropriate proliferations. Works of art must ensure that health and safety considerations are considered when designing, siting and maintaining the installation. Restriction of pedestrian flows must be avoided and consideration given to ensuring that people with visual or mobility impairments are not placed in danger.

#### How the policy works

The City Corporation has operated a City Arts Initiative (CAI) group since 2012, which advises on the artistic merit, siting, setting and appropriateness of all new public art proposals in the City. Temporary works of art (in situ for less than 8 weeks) will be considered by the CAI group.

Opportunities for public art in open spaces should be considered at an early stage to ensure that they are satisfactorily integrated into the design. Applicants must work with artists at the outset of a development rather than commissioning them to create an art work post construction. Where works of public art are sited in the public realm, they should be endowed to secure their appropriate maintenance in perpetuity and their retention will be secured by conditions in planning permissions or legal agreements. Where works of art are part of a development or are on private land, it is expected that those pieces will be maintained to a high standard by the land owner.

Where it is considered that a proliferation of public art is having a detrimental impact on the public realm within a particular area the City Corporation may impose limits, through conditions, on the length of time that an art work can remain in situ, when sites are redeveloped.