



Department for  
Communities and  
Local Government

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Our Ref: 2108062

10 March 2016

Dear Jo,

Thank you for your letter of 12 February following up the matters raised in our meeting of 28 January. It is helpful to have the fuller picture of the challenges that can face live music venues.

A particular concern of the industry was the impact that the exercise of the permitted development right for change from office to residential use can have on live music venues. You suggested that, at its worst, it could lead to the closure of a venue as a result of complaints from residents moving into new housing in the area.

We recognise that this could be an unintended consequence of the permitted development right in some circumstances. Following our meeting, we have been considering whether there is more we can do to support well-established music venues by ensuring appropriate mitigation can be secured when change of use takes place without impacting on the delivery of new homes. We are pleased to confirm that, in bringing forward the regulations to make the permitted development right permanent, we are now including a provision that allows the local planning authority to consider noise impacts on new residents from existing businesses within the area.

From the 6 April, a developer will be required to seek prior approval from the local planning authority in relation to the noise impacts on new residents before a change of use from office to residential can be carried out under permitted development. It will in effect allow local authorities to take account of national planning policy and guidance on noise, in a similar way to a planning application, as well as any material

concerns raised by owners of music venues in relation to noise. This will help to ensure that before residents move into new housing in close proximity to well-established businesses, including music venues, local authorities are able to require the applicant to put in place noise mitigation measures where appropriate. This is a positive measure which will ensure that where the right is delivering much needed new homes, local authorities are able to protect well-established music venues from having unreasonable restrictions placed on their operations.

We spoke about the agent of change principle more generally in the meeting, and consider that national planning policy supported by our planning practice guidance already incorporates elements of the agent of change principle. For example, it makes it clear that existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established. We updated planning practice guidance in December 2014 to highlight the potential impact of new residential developments on live music venues and underlined planning's contribution to avoiding future complaints by encouraging consideration of appropriate sound insulation.

We also intend to include an item in the next Chief Planner's newsletter to local authority chief planning officers highlighting the prior approval on noise impacts in the permanent office to residential permitted development right and re-emphasising the updated planning guidance on noise.

Our officials have regular meetings with music industry representatives to discuss relevant issues and are happy to invite other government departments to these meetings where relevant. We have considered the other points you have raised and hope the information in the annex will be helpful.



**BRANDON LEWIS MP**



**JAMES WHARTON MP**

Cc: Ed Vaizey MP, Minister of State for Culture and the Digital Economy  
Lord Clement-Jones, Lib Dem DCMS Spokesperson, House of Lords  
Baroness Williams of Trafford, Parliamentary Under-Secretary of State for Communities  
Munira Mirza, Deputy Mayor for Culture and Education, Greater London Authority  
Horace Trubridge, Assistant General Secretary, Musician's Union  
Mark Davyd, CEO, Music Venue Trust  
Chris Sharp, The Fleece, Bristol

## **Annex – Other recommendations**

### Local plans

The National Planning Policy Framework makes clear that local authorities should plan to meet their leisure and cultural needs. The Framework sets out the importance of allocating a range of suitable sites to meet the scale and type of retail, leisure, commercial, office, tourism, cultural, community and residential development needed in town centres.

### Article 4 directions

The Department has published guidance for local authorities on issuing Article 4 directions ([http://planningguidance.communities.gov.uk/blog/guidance/when-is-permission-required/what-are-permitted-development-rights/#paragraph\\_034](http://planningguidance.communities.gov.uk/blog/guidance/when-is-permission-required/what-are-permitted-development-rights/#paragraph_034)).

### Assets of Community Value

DCLG has published a document highlighting the range of community rights opportunities available to communities (<https://www.gov.uk/government/publications/youve-got-the-power-a-quick-and-simple-guide-to-community-rights>) and has also put in place a support and advice service run by a partner organisation to provide free advice and practical help (<http://mycommunity.org.uk/programme/community-assets>).

### Business Rates

Local authorities already have powers to grant discounts on business rates to support local music venues. Where they use their local discount powers we automatically meet 50% of the costs. We are also, by 2020, allowing authorities to retain 100% of business rates and also to be able to reduce the business rates tax rate.

### Live Music Act 2012

The Act 2012 has made it easier to perform and play live and recorded music. The statutory guidance makes clear that safe capacities should only be imposed where appropriate for the promotion of public safety or the prevention of disorder on the relevant premises. Additional licensing conditions should only be imposed on a business where they are absolutely necessary and should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music.

### Music development boards

We consider it would be a matter for individual local authorities to take a decision on music development boards, based on local issues and priorities.