

## PETITION & LOCAL MEMBER OBJECTION

COMMITTEE DATE: 03/11/2021

APPLICATION No. **21/01813/MJR** APPLICATION DATE: 28/07/2021

ED: **GRANGETOWN**

APP: TYPE: Variation of conditions

APPLICANT: TEG Venues UK Limited

LOCATION: TRAMSHED, PENDYRIS STREET, GRANGETOWN, CARDIFF,  
CF11 6QP

PROPOSAL: VARIATION OF CONDITION 1 OF 19/03210/MJR TO EXTEND  
HOURS OF OPERATION FOR A FURTHER 12 MONTH PERIOD

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**RECOMMENDATION** : That planning permission be **GRANTED** subject to the following conditions:

1. The use and hours permitted by the variation of condition 9 of 15/00225/MJR, shall be for a temporary twelve (12) month period from the granting of this permission.

Reason: To enable the Local Planning Authority to assess the effects of the variation at the end of the temporary period, in accordance with para. 5.27 of the Welsh Government Circular 016/2014 'The Use of Planning Conditions for Development Management'.

2. No site works shall be undertaken until the implementation of an appropriate programme of building recording and analysis has been agreed with the local planning authority and undertaken by a specialist acceptable to the local planning authority and in accordance with an agreed written specification; Thereafter two copies of the building record shall be submitted to and approved in writing by the local planning authority prior to the commencement of works.

Reason: To adequately record the buildings which are of architectural and cultural significance at a point in time before their further modification in the interests of preserving the historic and cultural environment by record.

**Discharge App No: 18/01867/MJR**  
**Decision Date: 04/08/2015**

3. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 and/or town and country planning General Permitted Development Order 1995 the buildings and land shall only be used for the purposes specified in the application [community store (A1); café/bar (A3); business incubator units (B1); multi-purpose studios (D1/D2); residential live-work units (C3/B1(a); gallery (D1); and performance hall (D2) potentially used also for conferences and exhibitions of a maximum of 1000 person capacity] ; and for no other purpose (including any other purpose in any

provision equivalent to those Classes in any statutory instrument amending, revoking or reenacting those Orders or as might otherwise be a permitted change of use in or between relevant classes).

Reason: Permission is granted only because of the characteristics peculiar to this proposal. Other uses could prejudice the amenities of the area and have not been considered as part of the development proposed.

**Discharge App No: 15/02022/MJR**

**Decision Date: 22/10/2015**

4. There shall be no enlargement or subdivision of the floorspace areas approved for each particular uses within the building:

A1 328m<sup>2</sup>

A3 433m<sup>2</sup>

B1 324m<sup>2</sup>

D1 172m<sup>2</sup>

D2 996m<sup>2</sup>

(Including use specific WCs, ancillary plant and stores, but excluding general WCs, lobby, salon, general circulation and external spaces) and 31x C3 or C3 / B1(a)'live work' units, unless otherwise agreed in writing with the Local Planning Authority.

Reason: Permission is granted on the basis of the intensity and characteristic of uses proposed in the application. Alternative allocations of floorspace or intensity of uses could prejudice the amenities of the area.

5. Prior to the beneficial use of the buildings for the purposes hereby approved, full details of the method and effectiveness of the acoustic containment of the principal performance space shall be submitted to and approved in writing by the local planning authority and shall thereafter be implemented in accordance with the approved details prior to the approved use commencing.

Reason: To ensure that the lowest levels of noise break out from the facility will be achieved and that the use of the venue will not unreasonably detract from the amenities of local residents.

**Discharge App No: 15/02142/MJR**

**Decision Date: 30/12/2015**

6. Prior to their implementation, full details of the means of proposed boundary enclosure, including all gates, fences, walls, new doors, and windows, louvres, roller shutters and additional external; access stairs and platforms, and access controls shall be submitted to and approved by the local planning authority in writing, and thereafter shall be implemented in full accordance with the approved details prior to the beneficial use of the premises for the purposes hereby approved..

Reason: To ensure that new features are appropriate to the character of the

building as a listed building, in the interests of visual amenity, and to provide for acceptable levels of safety and security.

**Discharge App No: 16/01415/MJR**  
**Decision Date: 21/06/2016**

7. The repairs and infilling of external brickwork ; new roof covering and any new drainage goods shall accord with a specification of materials, finishes and samples which shall first have been a submitted to and approved by the Local Planning Authority in writing.
- R eason: To ensure that the finished appearance of the development is in keeping with the Listed Building.

**Discharge App No: 15/02028/MJR**  
**Decision Date: 22/10/2015**

8. No member of the public shall be admitted to or allowed to remain in the Café/ bar/Gallery, outside of the hours of 07.00 to 23.00 Monday to Saturday and 07.00 - 22.30 on Sundays.  
Reason: To ensure that the use of the premises does not prejudice the amenities of local residents.
9. **No member of the public shall be admitted to or be allowed to remain in the principal performance venue or ancillary food and drink areas hereby approved outside of the hours of 08.00 - 23.00 Mon – Thurs; 08.00 - 00.30 Fri and Sat, and 10.00 - 22.30 on Sundays, apart from the exception of 31 no. late night events which shall operate between the hours of 08.00 - 03.00 (only occurring a maximum of two days per week and during Fridays, Saturdays, Fresher’s Week, Halloween and New Years’ Eve). The 31no. late night events referred to above shall be undertaken in strict accordance with the Queue Management Plan, discharged under Condition 42.**  
**Reason: To ensure that the use of the premises does not prejudice the amenities of local residents.**
10. Prior to the beneficial use of the premises for the purposes hereby approved, the development shall be provided with a system of CCTV capable of evidential quality recording in accordance with a scheme of detail which shall first have been submitted to and approved by the Local Planning Authority in writing. No part of the building shall be put to beneficial use until such time as the CCTV system is operational.  
Reason: To discourage criminal or anti-social behaviour and to assist in any prosecutions as may be brought against persons involved in such activities.

**Discharge App No: 16/02274/MJR**  
**Decision Date: 17/11/2016**

11. The retail facility hereby approved shall not be open to the public after 23.00 Monday to Saturday or after 22.30 on Sundays.

Reason: To ensure that the use of the premises does not prejudice the amenities of local residents.

12. The storage areas for refuse and recycling shall be provided prior to the beneficial use of the buildings for the purposes hereby approved and shall thereafter be retained and maintained for such purposes only.

Reason: To ensure that there are adequate facilities for the storage of commercial and domestic wastes clear of the highway.

13. Notwithstanding the submitted details, the 't' in circle logotype proposed to the western elevations of the principal building and ancillary building facing Clare Road shall not be implemented as a painted finish on the existing brickwork but shall be in the form of a separate panel advertisement attached to the façade of the buildings in accordance with a scheme of detail which shall first have been submitted to and approved by the local planning authority in writing.

Reason: In the interests of the protection of the brickwork and to allow for future change with minimal damage to the building fabric.

**Discharge App No: 16/02004/MJR**

**Decision Date: 07/09/2016**

14. Prior to the commencement of any development works a scheme to investigate and monitor the site for the presence of gases\* being generated at the site or land adjoining thereto, including a plan of the area to be monitored, shall be submitted to the Local Planning Authority for its approval.

Following completion of the approved monitoring scheme, the proposed details of appropriate gas protection measures to ensure the safe and inoffensive dispersal or management of gases and to prevent lateral migration of gases into or from land surrounding the application site shall be submitted to and approved in writing to the Local Planning Authority. If no protection measures are required than no further actions will be required.

All required gas protection measures shall be installed and appropriately verified before occupation of any part of the development which has been permitted and the approved protection measures shall be retained and maintained until such time as the Local Planning Authority agrees in writing that the measures are no longer required.

\* 'Gases' include landfill gases, vapours from contaminated land sites, and naturally occurring methane and carbon dioxide, but does not include radon gas. Gas Monitoring programmes should be designed in line with current best practice as detailed in CIRIA 665 and or BS8485 year 2007 Code of Practice for the Characterization and Remediation from Ground Gas in Affected Developments.

Reason: To ensure that the safety of future occupiers and users.

**Discharge App No: 15/01382/MJR**

**Decision Date: 09/11/2015**

15. Prior to the commencement of the development an assessment of the nature and extent of contamination shall be submitted to and approved in writing by the Local Planning Authority. This assessment must be carried out by or under the direction of a suitably qualified competent person \* in accordance with BS10175 (2011) Code of Practice for the Investigation of Potentially Contaminated Sites and shall assess any contamination on the site, whether or not it originates on the site.

The report of the findings shall include:

- (i) a desk top study to identify all previous uses at the site and potential contaminants associated with those uses and the impacts from those contaminants on land and controlled waters. The desk study shall establish a 'conceptual site model' (CSM) which identifies and assesses all identified potential source, pathway, and receptor linkages;
- (ii) an intrusive investigation to assess the extent, scale and nature of contamination which may be present, if identified as required by the desk top study;
- (iii) an assessment of the potential risks to:
  - human health,
  - groundwaters and surface waters
  - adjoining land,
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - ecological systems,
  - archaeological sites and ancient monuments; and
  - any other receptors identified at (i)
- (iv) an appraisal of remedial options, and justification for the preferred remedial option(s).

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WAG / EA guidance document ' Land Contamination: A guide for Developers' (2012), unless the Local Planning Authority agrees to any variation.

\* A 'suitably qualified competent person' would normally be expected to be a chartered member of an appropriate professional body (such as the Institution of Civil Engineers, Geological Society of London, Royal Institution of Chartered Surveyors, Institution of Environmental Management) and also have relevant experience of investigating contaminated sites.

Reason: To ensure that information provided for the assessment of the risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems is sufficient to enable a proper assessment.

**Discharge App No: 15/01382/MJR**

**Decision Date: 09/11/2015**

16. Prior to the commencement of the development a detailed remediation scheme and verification plan to bring the site to a condition suitable for the intended use by removing any unacceptable risks to human health, controlled waters, buildings, other property and the natural and historical environment shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WAG / EA guidance document 'Land Contamination: A guide for Developers' (July 2006), unless the Local Planning Authority agrees to any variation.
- Reason: To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

**Discharge App No: 15/01382/MJR**

**Decision Date: 09/11/2015**

17. The remediation scheme approved by condition x (PC14B above) must be fully undertaken in accordance with its terms prior to the occupation of any part of the development unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Within 6 months of the completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WAG / EA guidance document 'Land Contamination: A guide for Developers' (July 2006), unless the Local Planning Authority agrees to any variation.

Reason: To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

**Discharge App No: 16/01721/MJR**  
**Decision Date: 30/12/2015**

18. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 2 days to the Local Planning Authority, all associated works must stop, and no further development shall take place unless otherwise agreed in writing until a scheme to deal with the contamination found has been approved. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme and verification plan must be prepared and submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing by the Local Planning Authority. The timescale for the above actions shall be agreed with the LPA within 2 weeks of the discovery of any unsuspected contamination.

Reason: To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

19. Any topsoil [natural or manufactured], or subsoil, to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes. Subject to approval of the above, sampling of the material received at the development site to verify that the imported soil is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the LPA.

Reason: To ensure that the safety of future occupiers and users are not prejudiced.

20. Any aggregate (other than virgin quarry stone) or recycled aggregate material to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and

## Guidance Notes.

Subject to approval of the above, sampling of the material received at the development site to verify that the imported material is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the LPA.

Reason: To ensure that the safety of future occupiers and users are not prejudiced.

21. Any site won material including soils, aggregates, recycled materials shall be assessed for chemical or other potential contaminants in accordance with a sampling scheme which shall be submitted to and approved in writing by the Local Planning Authority in advance of the reuse of site won materials. Only material which meets site specific target values approved by the Local Planning Authority shall be reused.

Reason: To ensure that the safety of future occupiers is not prejudiced in accordance with policy.

22. Prior to the beneficial use of the development for the purposes hereby approved, the development shall be provided with a comprehensive scheme of drainage in accordance with details which shall first have been submitted to and approved by the local planning authority in writing. The scheme shall have regard to ensuring that no additional surface water flows will enter the public sewerage system.

Reason: To ensure an orderly form of development and maintenance of the public sewerage system.

**Discharge App No: 15/01747/MJR**  
**Decision Date: 13/08/2015**

23. No other means of access whatsoever shall be formed or used between the land and any footway or vehicle highway.

Reason: In the interests of the safety of users of the adopted highway.

24. No external plant or ducting shall be installed at the premises until such time as full details of the equipment have been submitted to and approved by the local planning authority in writing.

Reason: In the interests of visual amenity.

**Discharge App No: 21/00809/MJR**  
**Decision Date: 14/04/2021**

25. No part of the development hereby permitted shall be put to beneficial use until a scheme of environmental improvements to the footway and carriageway adjacent to the site, to continue the improvements completed to the east of the site, has been submitted to and approval in writing by the Local Planning Authority. The works should include as required, but not be limited to surfacing, kerbs, edging, drainage, lighting, lining and signing, street furniture, street trees and Traffic Orders as may be required as a



consequence of the scheme. The agreed scheme to be implemented to the satisfaction of the Local Planning Authority prior to beneficial use/occupation of the site.

Reason: To facilitate safe and efficient access to and egress from the proposed development by the incoming visitors and residents; and reinstatement of the adjacent public highway in the interests of highway and pedestrian safety.

**Discharge App No: 15/01887/MJR**

**Decision Date: 08/09/2015**

26. Prior to the beneficial use of the premises for the purposes hereby approved, an emergency flood management plan detailing the measures and procedures to be undertaken by staff at the facilities in the event of an extreme flood warning, shall be submitted to and approved by the Local Planning Authority in writing. The approved document shall thereafter be available to all future businesses, tenants and owners of the premises upon occupation.

Reason: To ensure that future occupiers and operators are aware of the location of the premises within an area potentially liable to flooding, and that appropriate procedures are in place to manage such an event.

**Discharge App No: 15/02244/MJR**

**Decision Date: 20/10/2015**

27. Prior to the beneficial occupation of any of the residential units hereby proposed, a detailed noise assessment and robust scheme of sound insulation measures shall be submitted to and approved in writing by the Local Planning Authority to provide that all habitable rooms exposed to external road traffic noise in excess of 63 Dba Leq 16 hour [free field] during the day [07.00 to 23.00 hours] or 57 dBA Leq 8 hour [free field] at night [23.00 to 07.00 hours] shall be subject to sound insulation measures to ensure that all such rooms achieve an internal noise level of 40 dBA Leq 16 hour during the day and 35 dBA Leq 8 hour at night. The submitted scheme shall ensure that habitable rooms subject to sound insulation measures shall be provided with acoustically treated active ventilation units. Each ventilation unit (with air filter in position), by itself or with an integral air supply duct and cowl (or grille), shall be capable of giving variable ventilation rates ranging from :

- 1 an upper rate of not less than 37 litres per second against a back pressure of 10 newtons per square metre and not less than 31 litres per second against a back pressure of 30 newtons per square metre, to
- 2 a lower rate of between 10 and 17 litres per second against zero back pressure.

No habitable room shall be occupied until the approved sound insulation and ventilation measures have been installed in that room. Any private open space (excepting terraces or balconies to any apartment) shall be designed to provide an area which is at least 50% of the area for sitting out where the maximum day time noise level does not exceed 55 dBA Leq 16 hour [free

field].

Reason: To ensure that the amenities of future occupiers are protected.

**Discharge App No: 15/02142/MJR**

**Decision Date: 30/12/2015**

28. Prior to commencement of works to provide the residential live/work units, a detailed noise assessment and a robust scheme of sound insulation works to the (floor/ceiling) and (party wall) structures between the residential units and commercial units shall be submitted to and agreed by the Local Planning Authority in writing and implemented prior to beneficial occupation. Reason: To ensure that the amenities of future occupiers are protected.

**Discharge App No: 15/02142/MJR**

**Decision Date: 30/12/2015**

29. Prior to commencement of works to provide the residential live/work units, a detailed noise assessment and a robust scheme shall be submitted to and approved in writing by the Local Planning Authority to provide that all habitable rooms exposed to external railway noise in excess of 66 dBA Leq 16 hour (free field) during the day (07.00 to 23.00 hours) or 59 dBA Leq 8 hour (free field) at night (23.00 to 07.00 hours) shall be subject to sound insulation measures to ensure that all such rooms achieve an internal noise level of 40 dBA Leq 16 hour during the day and 35 dBA Leq 8 hour at night. The submitted scheme shall ensure that habitable rooms subject to sound insulation measures shall be provided with acoustically treated active ventilation units. Each ventilation unit (with air filter in position), by itself or with an integral air supply duct and cowl (or grille), shall be capable of giving variable ventilation rates ranging from:
- 1) an upper rate of not less than 37 litres per second against a back pressure of 10 newtons per square metre and not less than 31 litres per second against a back pressure of 30 newtons per square metre, to
  - 2) a lower rate of between 10 and 17 litres per second against zero back pressure.

No habitable room shall be occupied until the approved sound insulation and ventilation measures have been installed in that room. Any private open space (excepting terraces or balconies to any apartment) shall be designed to provide an area which is at least 50% of the area for sitting out where the maximum day time noise level does not exceed 55 dBA Leq 16 hour [free field].

Reason: To ensure that the amenities of future occupiers are protected.

**Discharge App No: 15/02142/MJR**

**Decision Date: 30/12/2015**

30. Prior to commencement of works to provide the residential live/work units, a detailed vibration assessment and scheme shall be submitted to and

approved in writing by the Local Planning Authority to provide that the dwellings are designed and constructed so as to ensure that vibration dose values do not exceed 0.4m/s<sup>1.75</sup> between 07.00 and 23.00 hours, and 0.26m/s<sup>1.75</sup> between 23.00 and 07.00 hours, as calculated in accordance with BS 6472:1992, entitled "Guide to Evaluation of Human Exposure to Vibration in Buildings", [1Hz to 80Hz]. The dwellings shall be constructed in accordance with the approved scheme.

Reason: To ensure that the amenities of future occupiers are protected.

**Discharge App No: 15/02142/MJR**  
**Decision Date: 30/12/2015**

31. Arrival, departure, loading or unloading of delivery vehicles should only take place between the hours of 08.00 – 16.00 on any day.

Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected.

32. Fixed plant noise shall not realise a noise nuisance or exceed an upper dBA limit to be confirmed by the Local Planning Authority further to the submission and approval of a noise assessment undertaken in accordance with BS 4142: 2014 (or any British Standard amending or superseding that standard).

Reason: To ensure that the amenities of occupiers/users of other premises/property within the development and within the vicinity are protected.

**Discharge App No: 15/02142/MJR**  
**Decision Date: 30/12/2015**

33. Prior to amplified music being played in or any system of public address being used in the performance space, the cinema or any other areas within the complex, a detailed noise report must be submitted to the Local Planning Authority which will demonstrate a robust scheme of sound insulation to prevent the output of such systems from affecting the amenities of any noise sensitive receptors. The scheme must be submitted and approved in writing by the Local Planning Authority prior to implementation and thereafter implemented as approved prior to the playing of amplified music or use public address within the complex.

Reason: To ensure that the amenities of occupiers/users of other premises/property within the development and within the vicinity are protected.

**Discharge App No: 15/02142/MJR**  
**Decision Date: 30/12/2015**

34. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any order revoking and re-enacting that Order with or without modification) no sale of hot food for consumption off the premises shall take place from the premises.

Reason: To ensure that the amenities of occupiers of other premises in the

vicinity are protected.

35. The extraction of all fumes from the food preparation areas shall be mechanically extracted to a point to be agreed in writing by the Local Planning Authority, and the extraction system shall be provided with a deodorising filter. All equipment shall be so mounted and installed so as not to give rise to any noise nuisance.

Details of the above equipment including the chimney shall be submitted to, and approved by, the Local Planning Authority in writing and the equipment installed prior to the commencement of use for the cooking of food. The equipment shall thereafter be maintained in accordance with the manufacturers' guidelines, such guidelines having previously been agreed by the Local Planning Authority in writing.

Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected.

**Discharge App No: 21/00809/MJR**  
**Decision Date: 14/04/2021**

36. Prior to beneficial occupation, the development shall be provided with a scheme of secure resident, staff and visitor cycle parking, in accordance with a scheme of detail which shall first have been submitted to and approved in writing by the local planning authority. The approved details shall be implemented prior to the development being put into beneficial use and thereafter the cycle parking spaces shall be retained and shall not be used for any other purpose.

Reason: To ensure that adequate provision is made for the secure parking of cycles.

**Discharge App No: 15/02245/MJR**  
**Decision Date: 30/12/2015**

37. No part of the development hereby permitted shall be operated until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall set out proposals and targets together with a timetable to limit or reduce the number of single occupancy car journeys to/from the site, and to promote travel by sustainable modes that are acceptable to the Local Planning Authority. The Travel Plan shall include the name and contact details of the person who will operate and coordinate the implementation of the plan on behalf of the Owner, and the plan shall be implemented in accordance with the timetable set out therein. Reports demonstrating progress in promoting sustainable transport measures shall be submitted annually to the Chief Transportation Officer.

Reason: To ensure an orderly form of development and to encourage alternative modes of travel.

**Discharge App No: 15/01838/MJR**  
**Decision Date: 08/09/2015**

38. The performance venue shall be operated in accordance with an Operational Management Plan, which shall first have been submitted to and approved in writing by the local planning authority. The plan shall thereafter be re-submitted to the Local Planning Authority for review, once every three months within the first year of operation and once every six months for two years thereafter and the venue shall operate in accordance with the most currently approved plan.  
Reason: To retain an effective control over the development in the interests of the amenities of residents living near to the site.

**Discharge App No: 15/01857/MJR**  
**Decision Date: 09/11/2015**

39. In situations where doors and ground floor windows are located adjacent to the public footway, such features shall be constructed/installed in such a way that they can only open inwards to the building, not outwards over the adjacent public footway.  
Reason: In the interests of pedestrian safety.
40. Prior to commencement of development a scheme of construction management shall be submitted to and approved by the Local Planning Authority, to include details of construction traffic routes, site hoardings, site access, contractor parking and wheel washing facilities. Construction of the development shall be managed strictly in accordance with the scheme so approved.  
Reason: In the interests of highway safety and public amenity.

**Discharge App No: 15/01165/MJR**  
**Decision Date: 01/06/2015**

41. Prior to the beneficial use of the building for the purposes hereby approved, the applicant shall provide, and be responsible for the future servicing of, a number of strategically placed litterbins within the demise of the complex, which shall thereafter be retained.  
Reason: To mitigate against the potential for any increase in street litter in the interests of public amenity.
42. **Prior to the implementation of condition 9 of application ref. 15/00225/MJR (as amended by application ref. 21/01813/MJR), a Queuing Management Plan shall be submitted to, and approved in writing by the Local Planning Authority. This will include all aspects associated with the queuing of patrons prior to the event commencing; the exit of patrons following the event and their swift dispersal. The scheme will ensure that queuing does not take place on Pendyris Street, but along Clare Road back underneath the railway bridge.**  
**Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected.**

## 1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 Permission is sought for the variation of condition 9 of planning permission 15/00225/MJR, in order to allow 31 events per year to operate between the hours of 08:00 and 03:00. Members will be aware that planning permission was granted under App 19/03210/MJR in July 2020, to vary condition 9 of application 15/0225/MJR to allow 31 events per year to operate between the hours of 0800 and 0300 for a temporary period of 12 months.
- 1.2 The hours of operation are presently restricted under Condition 9 of planning permission 15/00225/MJR, which reads:
- 1.3 *No member of the public shall be admitted to or be allowed to remain in the principal performance venue or ancillary food and drink areas hereby approved outside of the hours of 08.00 - 23.00 Mon – Thurs; 08.00 - 00.30 Fri and Sat, and 10.00 - 22.30 on Sundays. Reason: To ensure that the use of the premises does not prejudice the amenities of local residents.*
- 1.4 The application does not seek to alter the operational hours of the existing condition, rather it proposes additional wording to state that 31no. events until 03:00 hours can take place each calendar year (occurring only during Fridays, Saturdays, Fresher's Week, Halloween and New Year's Eve). These events will be DJ-led in the genres of pop music, disco and funk and electronic music.
- 1.5 App 19/03210/MJR for variation of condition 9 to allow 31 events per years was approved on a 12-month temporary period in July 2020 by Planning Committee. However, it is noted that due to the COVID-19 pandemic the venue has only been operating for a short period since the determination of this application, due to COVID legislation brought in by the Welsh Government restricting indoor music events nightclubs and the organisers wish to further extend this period due to restrictions placed upon the venue since March 2020 until Summer 2021.
- 1.6 An updated Management Plan has been provided as part of the submission, which sets out the process that would be required to enable an event to take place for the extended hours of operation. The points have been summarised as follows:
- All tickets shall be available to be purchased in advance online. A limited amount shall be available to be purchased on the door.
  - The event details shall be set out on the Tramshed website at least 30 days in advance and the applicant will have continual dialogue with local residents to update them on their events and answer any queries.
  - The Police shall be notified and provided with an operating schedule 30 days prior to the event, to enable dialogue between the parties and to address any potential concerns.
  - The applicant will keep an up-to-date record of the schedule of the late night events in order to ensure that the number of events can be managed and does not exceed the permitted number during a calendar year.

- The events will be restricted to 18+ only (operate a challenge 25 policy at the door), with alcohol being served until 02:30 and the music turned off at 03:00. Water to be available from open until 3am.
- Beverages to be served in plastic cups no glass or closed cans to be handed over to patrons
- Security will be increased to provide a 1:50 (security/public) ratio and a medical team will be on site throughout the events. This will enable mobile guards and a dedicated cctv operator. Leading up to the end of the event, security staff will be positioned to enable clientele to leave the venue in an efficient and appropriate manner, staying on site until all clientele have left the venue and surrounding area.
- Egress from the building will be via the main entrance only with taxi services managed to pick up clientele only on the corner of Clare Road and Pendyris Street.
- Signage shall be placed around the venue to remind clientele to be respectful of residents when leaving the premises. This will be reinforced by security staff who will remain visible in street until all guests have left the area.

1.6 The updated Management Plan as outlined above was also submitted as part of the requirements for the current premises license, which the applicant has held since 12<sup>th</sup> November 2018. This enables the venue to operate a total of 21 events per year (including New Year's Eve) until 03:00. The applicants are currently in the process of extending this to 31 events, to tie in with the subject planning application proposal. The issue of a premises license is not a material planning consideration.

1.7 No external changes are proposed as part of this application.

## 2. **DESCRIPTION OF SITE**

2.1 The application site known as 'The Tramshed' lies on the junction of Clare Road (A4119) and Pendyris Street and comprises a mixed-use development featuring a music and arts performance hall/venue (Use Class D2), a community store (A1), cafes/bars (A3), business incubator units (B1), multipurpose studios (D1/D2), residential live/work units (C3) and a gallery (D1). The music and arts venue and the associated external courtyard area form the subject part of the site and are situated to the west of the site. The total site area is 0.67ha.

2.2 The Tramshed music and arts venue has a capacity of up to 1000 people and includes a 40 seater cinema. It is split over two levels, with the performance hall being located at ground floor level, surrounded by ancillary rooms. To the west of the performance hall are food and drink areas, an external seating area, a sub-station, WCs, cellar and office rooms and the lobby. To the east of the hall are more WC's, a stage store, scenery dock and a plant room. At first floor level is a balcony and seating area, the cinema room and additional ancillary rooms. To the rear (north) is a linear servicing yard, forming an expanse of hard surfacing.

2.3 Beyond the music and arts venue to the east lies the entrance and foyer to the work/live residential units, followed by the café and business incubator units. The

multi-purpose studio and community store lie further to the east, on the opposite side of the site. Directly above the café and to the east of the venue lies 31x duplex residential live/work units, with the bedrooms lying at mezzanine level. The residential units are separated from the performance hall by a 5.3 metre distance (width of one room), which acts as an acoustic buffer space between the residential units and the performance space. The venue has its own separate acoustic enclosure and a dense concrete enclosure for the main auditorium inside. This was built as part of ref: 15/00225/MJR, to mitigate against potential noise nuisance and disturbance to nearby residences. An Operational Management Plan was conditioned as part of the aforementioned application. This indicates measures which the venue staff should undertake to ensure that issues of potential congregation or loitering on perimeter footways are appropriately managed. It also ensures that operators and patrons have due regard to amenity of residential occupiers in Pendyris Street and the surrounds.

- 2.4 Whilst the site is not located within a conservation area, the Tramshed buildings are Grade II listed. The buildings were built in 1902 for the Clare Road depot for Cardiff's tram services central workshops and were then converted into a bus depot in 1942 and closed to trams in August 1946. In 2015, they were subject to a change of use application and converted into the current mixed-use development (ref: 15/00225/MJR). The buildings appear as a long multigabled Edwardian building, built of red brick, slate roofs, stone copings and kneelers. The whole development comprises eleven gables with louvred oculi. The western side features an external seating/standing area enclosed by a brick wall and a linear service yard lies to the rear of the building (north). Directly outside of the site is a pedestrian build out at the junction of Clare Road and Pendyris Street, which features 6x Sheffield cycle stands, a number of pedestrian bollards and a roadside advertising poster drum. Opposite the site on Pendyris Street is a zebra crossing to Clare Road.
- 2.5 The site is within easy walking distance to the city centre and the city's main railway and bus services with pedestrian routes provided beneath the railway at both ends of Pendyris Street. It is approximately 180 metres to the west of the River Taff and abuts the Cardiff railway mainline on its northern boundary. The Liberty Park student housing complex lies immediately to the east along Pendyris Street and can accommodate 334 students in 70 cluster flats. On the southern side of Pendyris Street opposite the site, are residential apartment blocks located around the junction with Mardy Street. Cwrt Pendyris sits directly opposite the performance venue and houses 25 flats. The surrounding area to the south is generally residential other than Clare Road (to the west) and Tudor Road (to the north), which have a mix of shops and commercial uses. In close proximity to the south lies the Rabbaniah Islamic Cultural Centre Mosque on Clare Road and the Shree Swaminarayan Hindu Temple on Mardy Street.

### 3. **SITE HISTORY**

- 15/00225/MJR – Planning permission granted on 22<sup>nd</sup> April 2015 for the change of use and conversion of the former tram shed to create a mixed-use scheme



comprising a community store (A1), cafes/bars (A3), business incubator units (B1), multi-purpose studios (D1/D2), residential live/work units (C3), gallery (D1) and performance hall (D2), access and servicing arrangements, substation and associated works. (15/00226/MJR; associated Listed Building Consent, granted on 3<sup>rd</sup> June).

- 15/01857/MJR – Permission granted on 8<sup>th</sup> September 2015, for the discharge of Condition 38 (Operational Management Plan) of planning application 15/00225/MJR.
- 19/3210/MJR – Permission granted on 22/07/2020 for a temporary period of 12 months to Vary condition 9 of 15/00225/MJR to extend hours of operation to allow 31 no. events per year to operate until 03.00

#### 4. **POLICY FRAMEWORK**

4.1 The following national planning policy and guidance is considered to be of particular relevance:

4.2 Planning Policy Wales (PPW) (Edition 11, Feb 2021)

4.3 Future Wales: the national plan 2040 (2021)

4.4 The following Technical Advice Notes (TANs) are relevant:

- TAN 11: Noise (October 1997)
- TAN 13: Tourism (October 1997)
- TAN 23: Economic Development (February 2014)

4.5 The following local planning policy and guidance is considered to be of particular relevance:

4.6 Cardiff Local Development Plan 2006-2026:

- C3 - Community Safety/ Creating Safe Environments
- EN13 - Air, Noise, Light Pollution & Land Contamination
- R8 - Food and Drink Uses

4.7 Supplementary Planning Guidance:

The following Supplementary Planning Guidance (SPG) is of relevance:

- Food, Drink and Leisure Uses (2017)

#### 5. **INTERNAL CONSULTEE RESPONSES**

5.1 **Pollution Control (Noise)**: advises that in respect to the above application and in light of the fact the premises has been unable to make use of its extension due to

covid restrictions, I can see no just cause in objecting to this application. This extension will allow them the 12 months to trial the extension and proposed late night management and queue plan, and where necessary consult with this team as necessary. We have further offered the premises to attend and monitor events to assist the premises and for the benefit of planning permission and local residents.

- 5.2 **Transportation**: The Transport Officer has raised no direct transport concerns with the proposed amended wording of the condition and does not consider that the additional 31 events until 03:00 would cause any additional traffic/parking concerns than the earlier finishes. The Officer notes that there have been objections regarding traffic enforcement, but states that the hours of operation do not tie in with the general hours of enforcement. The proposal is to extend the time-limited period for the additional late license events, given that due to Covid it has not been possible for the applicant to run their business normally and does not see any transport concerns with this time.

## 6. **EXTERNAL CONSULTEE RESPONSES**

- 6.1 **Police Architectural Liaison**: No objections from SWP, advise that the effect of the Covid-19 pandemic has changed Policing styles and the way that people interact with a change in mentality.

## 7. **REPRESENTATIONS**

- 7.1 Neighbouring properties have been notified with additional publicity undertaken by site notices. The representations are summarised below:

- 7.2 A 84 name petition of OBJECTION has been received.

- 7.3 8 letters/emails of OBJECTION have been received from local residents, summarised as follows:

- Events would have a detrimental effect on the residents of the Tramshed and surrounding streets
- Noise from venue particularly in regard to adjacent live/work units, volume can be loud and base heavy.
- Large volumes of antisocial behaviour from patrons (including fights, noise disturbance, alcohol related behaviours)
- Last 18 months have not been representative due to covid restrictions for council to consider the impact these opening hours have on local residents
- Parking and traffic issues
- Breach of licensing conditions
- Disturbance can be ongoing from early in day during set up of events until early the next morning

- 7.4 Ward councillors have been notified; a joint OBJECTION from Councillor Thorne,

Councillor Lister and Councillor Sattar has been written as follows:

“We would like to register our objection to the application to vary CONDITION 1 OF 19/03210/MJR at the Tramshed on Pendyris St in Grangetown.

The application would allow 31 late night events to take place over a 12-month period, something we believe would have a detrimental impact on the wider area. The original application was granted for a period of 12 months as a “trial” and this application seeks to extend the trial.

Residents in the surrounding areas have approached us with concerns about the continuation of the extended hours at the venue, due to the detrimental impact late night events are having on their quality of life.

They have shared with us stories of customers of the Tramshed urinating in their front gardens, leaving litter and causing a general nuisance, all on a regular basis.

We are aware that the operators of the venue committed to mitigating against these issues, including having security encourage customers to leave the area as quickly and quietly as possible, and ensuring the area is litter picked to avoid mess after events. Sadly this does not appear to be the case in streets neighbouring the venue, as demonstrated by the number of signatures on a petition against the extension of the variation.

Therefore we are unsure what benefit a further 12 month “trial” period would be to the community, as it is already clear that these late night events can have on residents’ lives.

For these reasons we would request that this application is considered by the Planning Committee and not delegated to officers. Based on the experiences of our residents, we would appeal to the Planning Committee to refuse this application, in the interest of protecting their quality of life.

## 8. **ANALYSIS**

- 8.1 The main material considerations in the determination of this application are the impact on:
  - a. Previous Planning Decision
  - b. Residential Amenity
  - c. Crime and Disorder
  - d. Traffic and Parking
- 8.2 Application 19/03210/MJR for the variation of condition 9 of App 15/00225/MJR to allow 31 no. events per year to operate until 03.00 was approved at Planning Committee on 22/07/2020 and this allowed the Operator to have events until 24/07/2021 to allow the Local Planning Authority to further assess the impacts of these events upon the local residents amenity. However, the operator has not

been able to undertake any events since the approval of the above planning application due to COVID restrictions brought in by the Welsh Government which did not allow indoor music events from March 2020 until May 2021 whereby reduced limitations on numbers into venues were allowed and then the further opening up of live music/nightclub venues when Wales entered Alert Level 0 in August 2021. The Tramshed venue has reopened since Covid restrictions were reduced and music events have taken place since.

#### b. Residential Amenity

- 8.3 Cardiff Local Development Plan (2006-2026) Policy EN13 states that development will not be permitted where it could cause or result in harm to local amenity. The supporting text to the policy, at paragraph 5.176 notes that the purposes of the policy are *'to ensure that: Developments that would generate unacceptable levels of air, noise or light pollution are appropriately located and controlled'*. Further, paragraph 5.181 states that: *'Noise can have a harmful impact on people's health and quality of life. Developments such as housing, schools and hospitals can be particularly sensitive to noise'*.
- 8.4 Paragraph 5.3 of the Food, Drink and Leisure Uses Supplementary Planning Guidance (2017), notes that *'D2 Uses have the potential to harm the amenity of the surrounding area, by giving rise to or exacerbating problems relating to litter and refuse, noise and disturbance'*. The paragraph goes on to state that that *'Consideration will be given to whether a proposal, either alone or cumulatively with other existing and proposed similar uses will create an adverse effect on the amenity of local residents'*.
- 8.5 The application has received a number of objections from residents and the ward members, with regard to the existing impact that the late night events (that operate until 03:00 hours) have had on residential amenity. The objections consider that these DJ led events are not appropriate within a residential and mainly family occupied area. Residents from within the Tramshed development have stated that they can hear the music from their apartments. There have been further objections regarding the noise, disturbance and anti-social behaviour from patrons accessing and leaving the site and cars and taxis outside of the venue.
- 8.6 The agent has responded to these objections by noting that the majority of the objections appear to be from Tramshed residents, who would have been aware of the nature of performance venue (which can already lawfully operate until 12.30am on Fridays and Saturday) when buying the apartments. They also note that the Council's Pollution Control team have only received six complaints from residents since 2018 (refer to para. 5.2) and that the applicant has worked proactively to seek to resolve these issues. An example being the movement of the queue from Pendyris Street to Clare Road, to avoid the close proximity to residential amenity. Finally, the agent states that the late night events are essential to ensure that the applicant can continue to operate a viable business, in an industry that currently finds itself in ever challenging times, which was hit hard due to Covid restrictions

which shut the premises for long period of time (effectively from March 2020 until August 2021).

- 8.7 Notwithstanding the objections, Pollution Control raised no objection to the application, subject to the implementation of two planning conditions; the first being a temporary 12 month permission and the second being a Queue Management Plan along Clare Road.
- 8.8 Officers note that the site is located on the fringe of the city centre in an area that is primarily residential in character. Whilst the objections are noted, there is no technical objection to the proposal that supports the concerns raised. Given this conflicting information, it is considered that a temporary planning permission is reasonable to allow the Local Planning Authority to consider the matters raised on objective evidence of harm. This will essentially work as a trial period, before considering a permanent application after the 12-month period. Where there is doubt whether a proposal would conflict with policy, paragraph 5.27 of the Welsh Government Circular 016/2014 '*The Use of Planning Conditions for Development Management*' states; '*Where an application is made for permanent permission for a use which may be 'potentially detrimental' to existing uses nearby, but there is insufficient evidence to enable the authority to be sure of its character or effect, it might be appropriate to grant a temporary permission in order to give the development a trial run, provided that such a permission would be reasonable having regard to the capital expenditure necessary to carry out the development*'.
- 8.9 Officers have concerns regarding the potential for 31 events to take place within a clustered period, i.e during Fresher's Week, which could potentially mean that an event could take place for 14 consecutive days. As such, Condition 9 has been amended to limit the number of late night events to a maximum of two events per week.

c. crime and Disorder

- 8.10 Paragraph 3.11 of Planning Policy Wales Local (Edition 10, December 2018), states that '*Local authorities are under a legal obligation to consider the need to prevent and reduce crime and disorder in all decisions that they take. Crime prevention and fear of crime are social considerations to which regard should be given in the preparation of development plans and taking planning decisions. The aim should be to produce safe environments that do not compromise on design quality in accordance with the cohesive communities well-being goal*'.
- 8.11 A number of objections have been raised regarding the anti-social behaviour linked with the existing events that operate until 03:00 hours. The objections note that drunken behaviour has caused a general nuisance before, during and after the events. It begins whilst attendees gain access to the venue, whilst queuing along Pendyris Street. Objections have also been raised regarding attendees dispersing and gathering outside of the venue, which has resulted in anti-social behaviour in the form of shouting, violence, urinating/vomiting on street, littering etc.

- 8.12 The agent disputes these claims and notes that sufficient safeguards are already in place. They state that the applicant already runs a Queuing Management Plan, which includes a suitably designed queuing system along Clare Road, which was switched from Pendyris Street, in consultation with the police, residents and councillors. This includes security, and medical staff available on site to quickly resolve any incidents, including egress from the premises. The agent also notes that the events team go above and beyond in regard to keeping Pendyris Street clean and litter free during and after the events have finished. Following the outbreak of the Coronavirus, the venue has temporarily closed down and the agent states that the number of criminal incidents recorded within the immediate surrounding area has not materially changed during these times.
- 8.13 It should be noted that the Planning and Licensing departments consider differing matters and thresholds, e.g. planning considers theoretical harm to amenity whilst, licensing consider evidential harm under key areas. Nevertheless the agent notes that when the applicant first applied for the premises licence to be extended to enable 21 late opening events, no objections were raised by individual members of the public, despite that process involving a public consultation process.
- 8.14 South Wales Police have not raised any concerns with the proposal regarding a 12 month permission, which will allow the Tramshed to demonstrate that they are able to manage their patrons appropriately.

#### d. Traffic and Parking

- 8.15 Officers note that objections have been raised stating that the events at the Tramshed performance venue have resulted in an increase in traffic and parking concerns, with parking permit holder spaces regularly being used illegally. The Transport Officer has raised no objection to the proposal on highway grounds and does not consider that the additional 31 events until 03:00 hours will cause any additional traffic/parking concerns than the earlier finishes. Further, it is not considered that the events until 03:00 hours will result in parking permit holder spaces used illegally, as the proposed hours of operation do not tie in with the general hours of parking enforcement.

### **9. CONCLUSION**

- 9.1 In light of the above, it is considered that the recommendation to issue a temporary 12-month permission goes some way to addressing the concerns raised. This will allow the Local Planning Authority to consider the matters raised on objective evidence of harm, before considering any permanent application after the 12-month period. Where there is doubt whether a proposal would conflict with policy, paragraph 5.27 of the Welsh Government Circular 016/2014 '*The Use of Planning Conditions for Development Management*' states that; '*Where an application is made for permanent permission for a use which may be 'potentially detrimental' to existing uses nearby, but there is insufficient evidence to enable the authority to be sure of its character or effect, it might be appropriate to grant a temporary permission in order to give the development a trial run, provided that such a*

*permission would be reasonable having regard to the capital expenditure necessary to carry out the development'. For the reasons detailed above, the application is recommended for approval on a temporary basis, subject to conditions.*

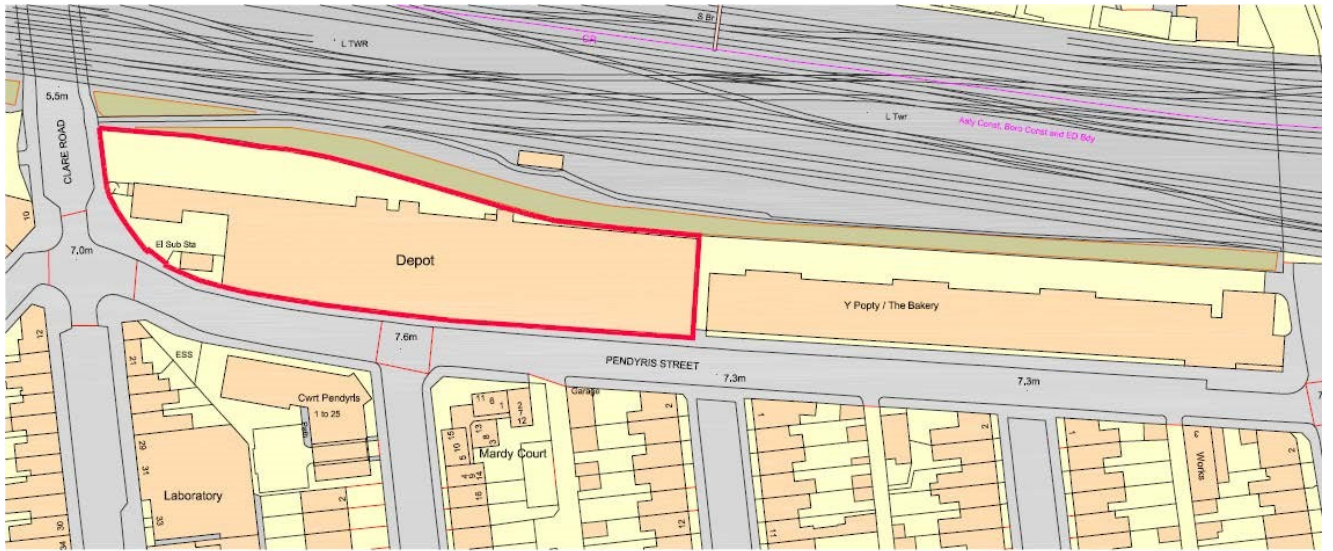
9.2 The amended Condition 9 will read as follows:

*No member of the public shall be admitted to or be allowed to remain in the principal performance venue or ancillary food and drink areas hereby approved outside of the hours of 08.00 - 23.00 Mon – Thurs; 08.00 - 00.30 Fri and Sat, and 10.00 - 22.30 on Sundays, apart from the exception of 31no. late night events which shall operate between the hours of 08.00 - 03.00 (only occurring a maximum of two days per week and during Fridays, Saturdays, Fresher's Week, Halloween and New Years' Eve). The 31no. late night events referred to above shall be undertaken in strict accordance with the Queue Management Plan, discharged under Condition 42.*

*Reason: To ensure that the use of the premises does not prejudice the amenities of local residents.*

## 10. **LEGAL CONSIDERATIONS**

- 10.1 *Crime and Disorder Act 1998*: Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that a temporary permission would allow the Local Planning Authority to consider, based on evidence if there would be any significant or unacceptable increase in crime and disorder and harm to residential amenity as a result of the proposed decision.
- 10.2 *The Equality Act 2010* identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The Council's duty under the above Act has been given due consideration in the determination of this application. It is considered that the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic.
- 10.3 *Wellbeing of Future Generations (Wales) Act 2016*: Section 3 of this Act imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (Section 5). This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.



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Figure 1: Site location plan.

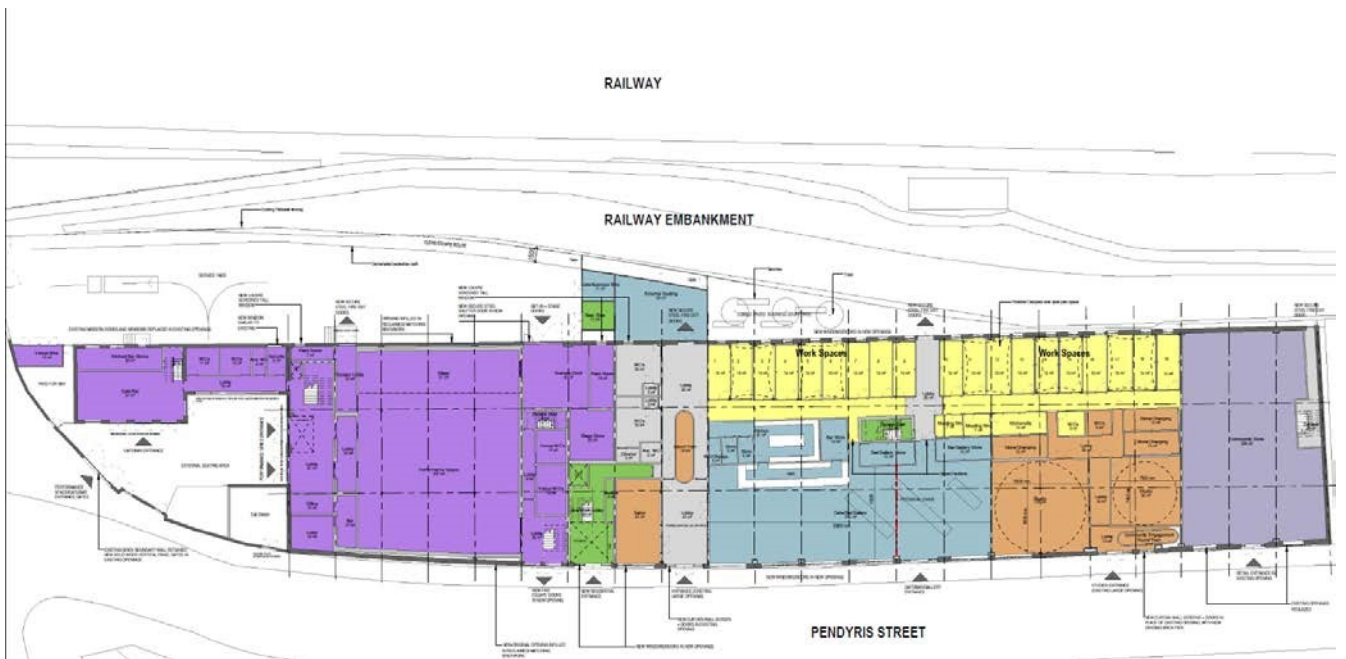


Figure 2: Ground floor plan.



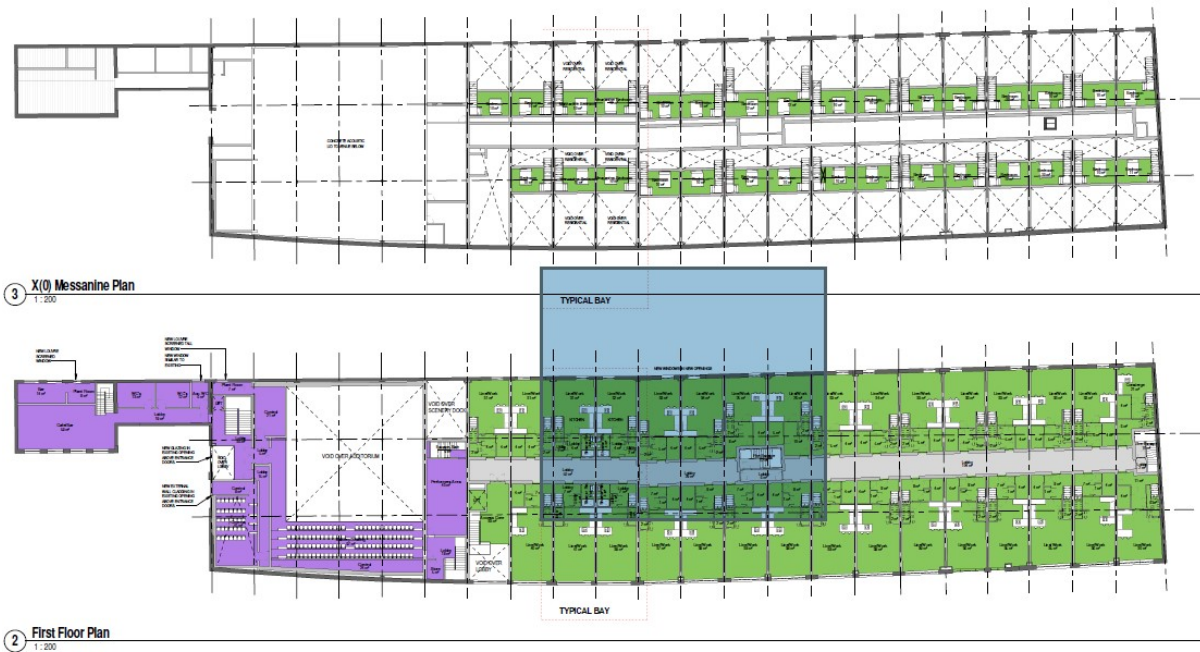


Figure 3: The first floor and mezzanine floor plans demonstrate the proximity of the live/work residential units to the performance and arts hall.

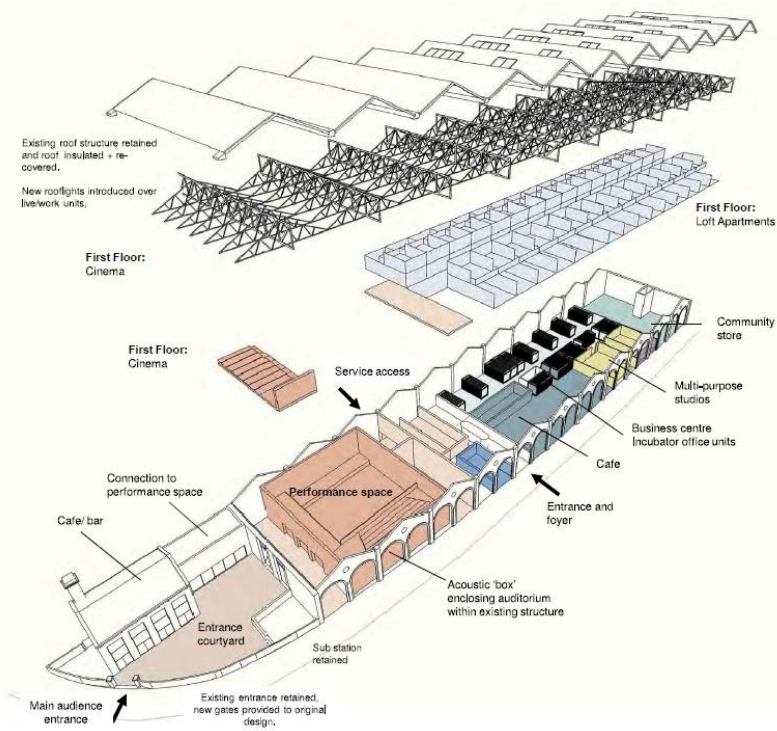
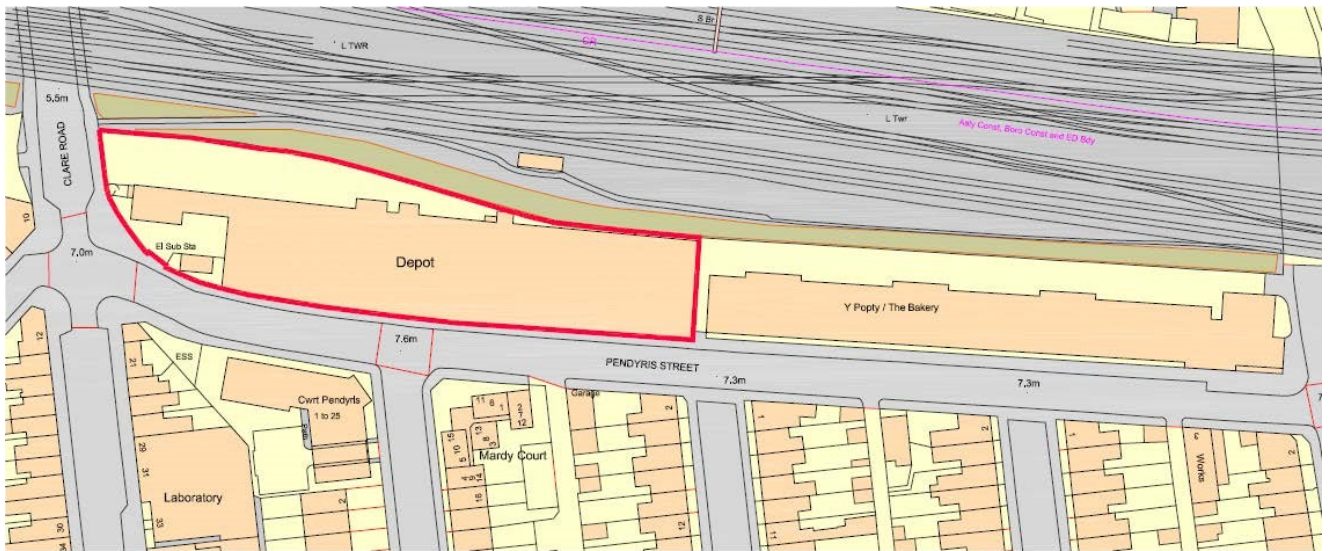


Figure 4: An exploded axonometric drawing shows the layout of the Tramshed mixed-use development.



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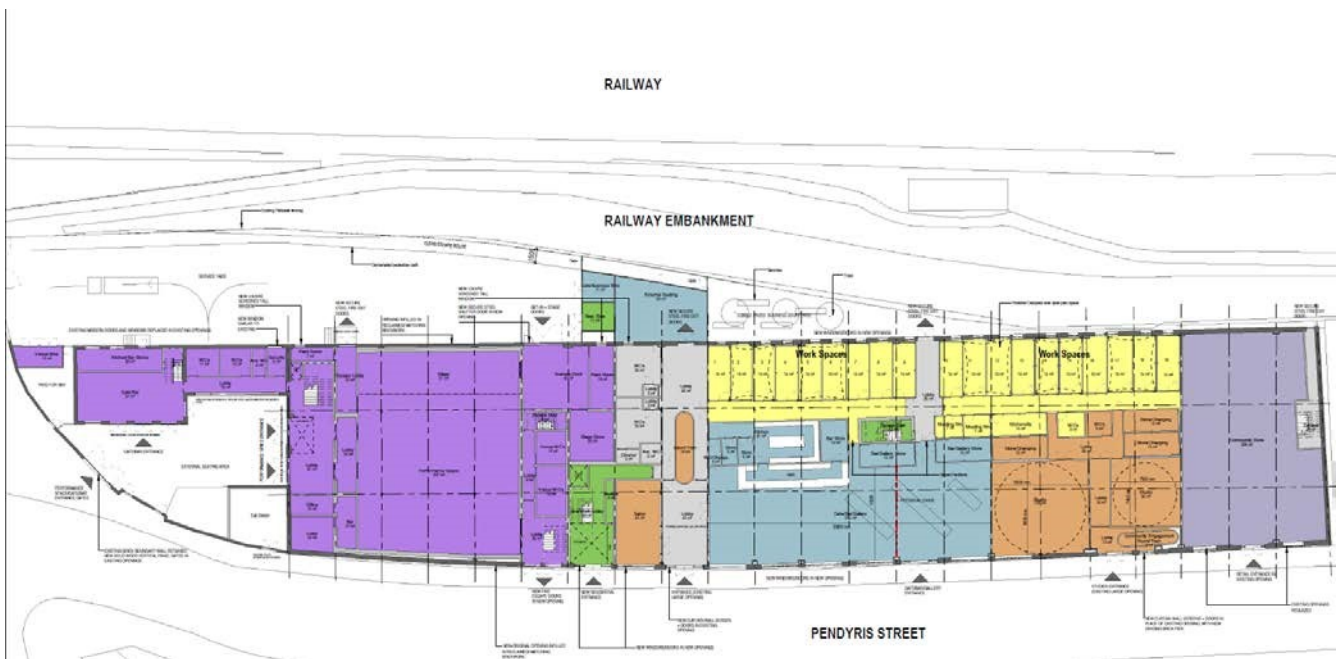


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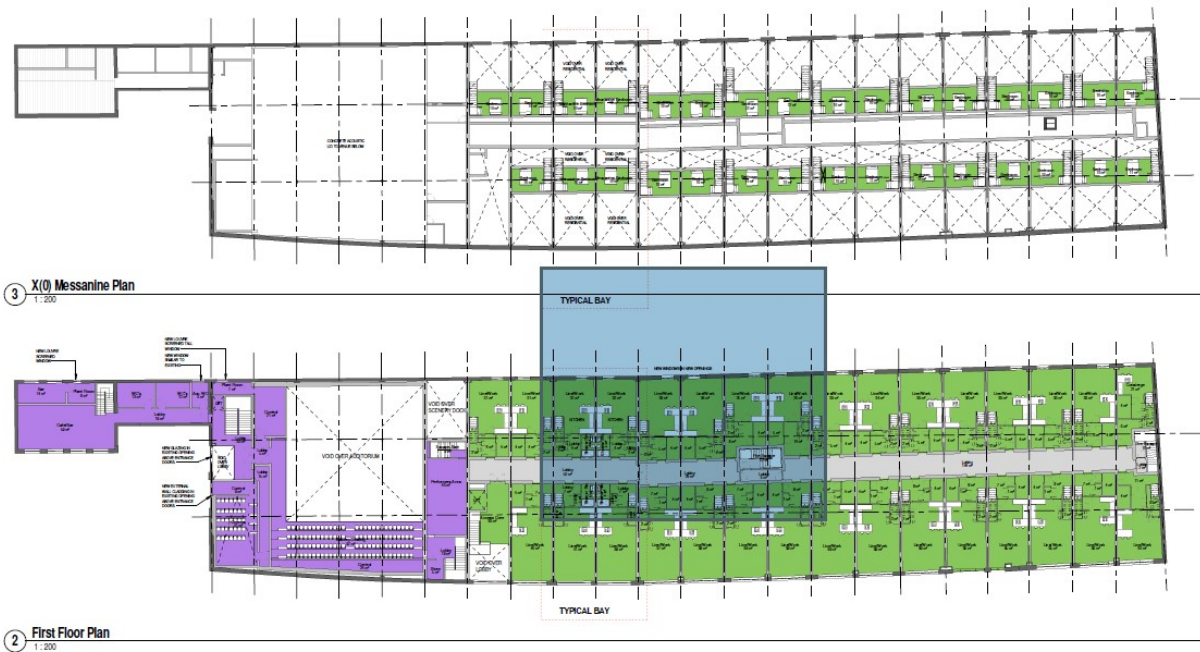


Figure 3: The first floor and mezzanine floor plans demonstrate the proximity of the live/work residential units to the performance and arts hall.

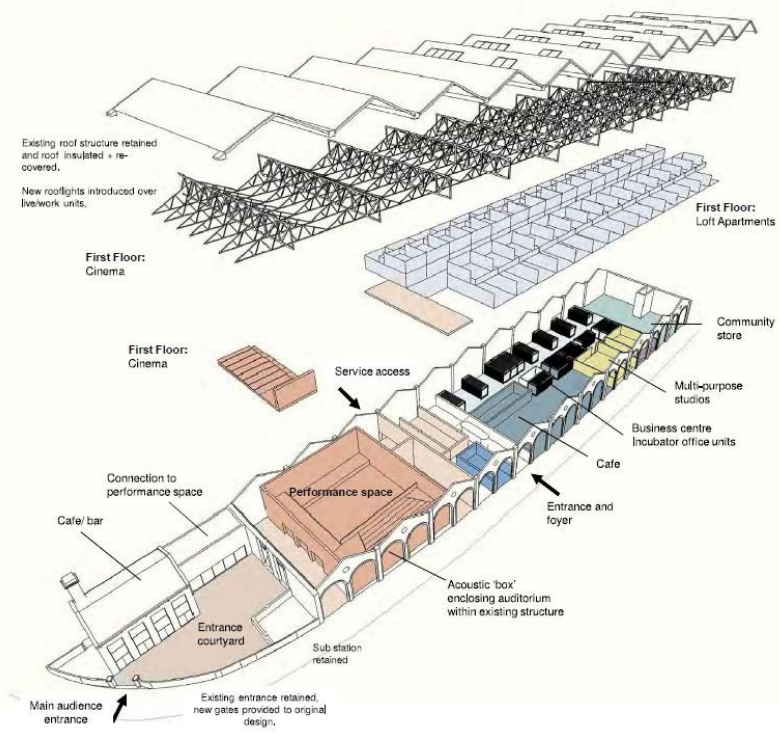


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