

COMMITTEE DATE: 02/02/2023

APPLICATION No. **22/02170/REM** APPLICATION DATE: 14/09/2022

ED: GRANGETOWN

APP: TYPE: Full Planning Permission

APPLICANT: Mr Ben Newby

LOCATION: Tramshed, Pendyris Street, Grangetown, Cardiff, CF11 6QP

PROPOSAL: Removal of Condition 1 of 21/01813/MJR to enable permanent permission for late night events

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RECOMMENDATION:

That planning permission be **GRANTED** subject to the conditions listed in section 12 below.

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1. BACKGROUND INFORMATION

1.1 This application is reported to Committee at the request of Councillor Lynda Thorne, who notes that previous applications were presented to Committee, and has raised concerns about the potential impact on neighbouring amenity from making the late events / hours permanent, such that she asks that the application is also considered by Members.

2. DESCRIPTION OF THE 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), multi-purpose 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 performance 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 performance 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 building is 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 multi-gabled 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.
- 2.6 Highway works are being delivered on the junction of Clare Road and Pendyris Street to improve the efficiency of the junction. This will result in a one-way entry into Pendyris Street from Clare Road to reduce the number of turning

movements and opportunity for through traffic to enter Pendyris Street. These works are anticipated to be completed by Autumn 2023.

### 3. DESCRIPTION OF DEVELOPMENT

#### *Background Information:*

3.1 This application follows two previous temporary 12 month permissions at the Tramshed performance venue (19/03210/MJR and 21/01813/MJR) which allowed 31 events per year to operate between the hours of 08:00 and 03:00 (only occurring a maximum of two days per week and during Fridays, Saturdays, Fresher's Week, Halloween and New Years' Eve).

3.2 The performance venue already had a premises licence to enable 21 late events to take place per calendar year but condition 9 of planning permission 15/00225/MJR restricted events to operate until 23:00 from Monday to Thursday, 00:30 on Fridays and Saturdays and 22:30 on Sundays. To enable 31 events per year to operate between the hours of 08:00 and 03:00, application 19/03210/MJR permitted the variation of condition 9 to read as follows (additional wording underlined):

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.*

3.3 For application 19/03210/MJR (permitted in July 2020), a significant number of objections were raised on the grounds of anti-social behaviour and noise associated with the existing late-night events (which had taken place in accordance with the premises licence but not the planning condition). However, there was insufficient evidence proving that these objections were directly related to the late-night events. As such, Pollution Control (Noise) and South Wales Police raised no objection to the variation of the condition to allow 31 late night events per year, subject to the implementation of two planning conditions.

3.4 The first condition limited the consent to a temporary 12 month trial period to allow the Tramshed performance venue to demonstrate that they were able to manage their patrons appropriately. This would 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. This was in accordance with advice contained in paragraph 5.27 of the Welsh Government Circular 016/2014 (*The Use of Planning Conditions for Development*

*Management’), which notes 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’.*

- 3.5 The second condition applied (condition 42) was for a Queuing Management Plan which sought to ensure that queuing does not take place on Pendyris Street, but along Clare Road back underneath the railway bridge. This was imposed to provide appropriate control to ensure that the queue does not harm neighbouring amenity and to seek to address the objections raised in terms of management of its patrons.
- 3.6 Due to the Covid-19 pandemic restrictions on live music, the applicant was not able to undertake any events during the first permission (19/03210/MJR). Therefore, an additional 12 month temporary permission was granted until 4<sup>th</sup> November 2022 (21/01813/MJR). This was also subject to the Queuing Management Plan condition, with a draft Plan being provided at the time of the application (and operated thereafter) with details since discharged following the end of the trial period (22/02112/DOC).
- 3.7 The applicant has confirmed that 18 late night events took place from the period between 03/11/2021 and 03/11/2022 as follows:

2021:

- November 6th – Old is Gold
- November 12th – Joel Corry
- November 13th – Skepsis
- November 26th – Lovely Laura (Replaced with another act)
- December 4th – DNB Allstars

2022:

- February 19th – Lovely Laura
- February 25th – Mungos Hifi
- February 26th – Time Flies
- March 18th – Good Life
- March 26th – The Levels
- April 1st – BBC 6 Music Festival
- April 2nd - BBC 6 Music Festival
- June 2nd – Time Flies
- August 6th – Magic Garden Rave
- October 7th – Time Flies
- October 8th – Old Is Gold
- October 14th – Hospitality
- October 29th – Eats Everything

Note: two events below were cancelled prior to the event taking place but were advertised.

- September 22nd – Kiss Freshers (CANCELLED)
- October 28th – Good Life (CANCELLED)

*Proposed Development:*

3.8 Given that the 12 month trial period has expired, this application has been submitted under Section 73 of the Town and Country Planning Act 1990 (as amended) for the removal of condition 1 of planning permission 21/01813/MJR, in order to allow the permanent operation of 31 events per year to operate between the hours of 08:00 and 03:00 (only occurring a maximum of two days per week and during Fridays, Saturdays, Fresher's Week, Halloween and New Years' Eve).

3.9 Condition 1 of application ref 21/01813/MJR reads:

*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'.*

3.10 Condition 9 is detailed at para 3.2 above and will remain in place, alongside condition 42 (queue management).

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

#### 4. RELEVANT SITE HISTORY

4.1 The site has the following relevant planning 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, sub-station 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.

- 17/01744/MJR – Applications withdrawn for the erection of a four storey office building (Class B1a) with an undercroft vehicle delivery access and associated works. (17/01745/MJR; associated Listed Building Consent).
- 19/03210/MJR – Permission granted on 22<sup>nd</sup> July 2020 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. Condition 1 was then amended to ensure that this was for a temporary 12 month permission.
- 21/01813/MJR - Permission granted on 4<sup>th</sup> November 2021 to extend the hours of operation for a further 12 month temporary period to allow 31 no. events per year to operate until 03.00.
- 22/00375/MNR – Permission granted on 21<sup>st</sup> February 2022 to replace the existing galvanised palisade fencing, amend gate for vehicular access and add pedestrian access to the rear yard (LBC/22/00012/MJR; associated Listed Building Consent).
- 22/02112/DOC – Permission granted 13<sup>th</sup> January 2023 for the discharge of Condition 42 (Queueing Management Plan) of 21/01813/MJR

## 5. POLICY FRAMEWORK

- 5.1 The following national planning policy and guidance is considered to be of particular relevance:
- 5.2 National Development Framework: Future Wales 2040 (February 2021)
- 5.3 Policy Wales (PPW) (Edition 11, February 2021)
- 5.4 The following Technical Advice Notes (TANs) are relevant:
- TAN 11: Noise (October 1997)
  - TAN 13: Tourism (October 1997)
  - TAN 23: Economic Development (February 2014)

### *The Development Plan:*

- 5.5 Section 38 (6) of the Planning and Compulsory Purchase Act 2004, requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 5.6 [Future Wales - the National Plan 2040](#) now forms part of the Development Plan for all parts of Wales, comprising a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of our communities. All Development Management decisions, strategic and local development plans,

planning appeals and all other work directed by the development plan need to accord with Future Wales.

5.7 The Local Development Plan is the [Cardiff Local Development Plan 2006-2026](#) which was adopted in January 2016, and within which the following policies are of relevance:

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

5.8 The following [Supplementary Planning Guidance](#) (SPG) is of relevance to this application: -

- Food, Drink and Leisure Uses (2017)

## 6. INTERNAL CONSULTEE RESPONSES

6.1 **Pollution Control (Noise)** confirm that only one complaint was received during the temporary 12 month trial period. This related to the late night event on 26<sup>th</sup> March 2022. The complaint was logged at 03:30am, as follows:

*“High level of continuous noise from attendees leaving Tramshed 2am onwards (people shouting, car horns, revving exhausts from cars). Noise still continuing past 3.30am. Extremely dangerous driving from cars leaving the venue - speeding, flooring, swerving etc”.*

6.2 Pollution Control (Noise) note that the matters relating to cars and road safety are beyond the scope of their department. Whilst an objection has been raised on noise, no objection has been raised to the proposed application, on the bases that there is a lack of evidence to object to.

6.3 **Transportation** do not consider that the additional 31 events until 03:00 will cause any additional traffic or parking concerns than the earlier finishes and are not aware of any additional transport/highways issues that have arisen during the temporary period. Therefore, no objection has been raised.

## 7. EXTERNAL CONSULTEE RESPONSES

7.1 **South Wales Police** confirm that no complaints were received during the trial period of the late night events. As such, no objection is raised.

## 8. REPRESENTATIONS

8.1 The application was subject to a 21-day consultation period, being advertised by press and site notices as a major application and neighbours and local members were notified.

8.2 3 neighbour objections were received, summarised as follows:

- Anti-social behaviour linked with music venue including drunk and disorderly patrons littering, urinating and vomiting on neighbouring streets
- Excessive noise from patrons shouting, car horns and cars slamming from dropping off/picked up from venue
- Excessive traffic congestion related to music venue
- The regeneration of the Tramshed was supposed to be suitable for all members of the community in this residential area. Residents often feel unsafe due to the late night events
- The voices of neighbours are overlooked in favour of large businesses, so many neighbours do not bother to object

8.3 1 letter of support has also been received from a local guesthouse and restaurant who state that the extension to the 31 events every year will benefit their operations. They also state that the late night trade has been an asset to the community.

## 9 ASSESSMENT

9.1 The main material considerations in the determination of this application are the impact on:

- a. Residential Amenity
- b. Crime and Disorder
- c. Traffic and Parking

### *a. Residential Amenity*

9.2 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'*.

9.3 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 *'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'*.

9.4 The applicant explains in the Cover Letter (dated 13/09/2022) that the *"importance of the continuation of these 31no. late night events per year beyond the current temporary permission cannot be overstated to this business. Put*



*simply, Tramshed will not be able to operate viably moving forward without the ability to run these events. As the Tramshed (along with the industry as a whole) emerges in the wake of the pandemic, they now face unprecedented times which are bringing yet more challenges for them to stay financially afloat; most notably through the pressures of the cost of living crisis which is putting these businesses in increasing jeopardy. The late-night events have become an increasingly important part of Tramshed's revenue and their ability to continue to operate these for the foreseeable future is key to ensuring that this culturally valuable and unique asset to the City is not lost".*

- 9.5 Whilst the application has received objections from residents with regard to the existing impact of the Tramshed performance venue on residential amenity and safety, and it is noted that Councillor Lynda Thorne has raised concerns and Pollution Control (Noise) only received one complaint in response to the 18 late night events held during the temporary trial period. In addition, South Wales Police received no complaints relating to the late night events. Pollution Control (Noise) note that whilst one of the matters relate to patrons shouting, the remaining comments relate to matters regarding cars and road safety, which are beyond the scope of Pollution Control to resolve.
- 9.6 As noted earlier, a Queuing Management Plan was required as part of the previous temporary permission (21/01813/MJR - condition 42). This was to ensure that the queue for patrons entering and exiting the performance venue would not harm neighbouring amenity and address the objections raised from the aforementioned application.
- 9.7 The details under condition 42 (Queuing Management Plan) were discharged on 13<sup>th</sup> January 2023. This provides information on the control of queuing at entrance times, where the queue is patrolled continuously by security and venue staff in high visibility clothing to control the patrons and prevent noise and disorderly behaviour. It also includes the following controls over egress management (i.e. during all events, including late night up to 03:00): -
- Egress through main entrance
  - Barriers are positioned in front of the gate to direct guests either left or right on exit and prevent patrons from spilling into the road
  - Taxis will be asked to move along if pulled up at the corner of Clare Road and Pendyris Street. We will continue to ask Taxi companies to direct their drivers to the pull in area on Clare Road, to the rear of the venue
  - 15 mins before the end of the headline DJ's set, the volume of the music is gradually reduced to aid staggered dispersal, and security members start to move positions to manage egress from the venue. Two Tramshed staff aid with this, in hi-vis to help direct guests as they leave the venue
  - As guests leave, they are reminded that they are in a residential area and asked to leave quietly. Guests are also encouraged to use the toilet facilities before they leave
  - Security team stay visible in the street until all guests have left the area and will perform patrols on Pendyris Street and Mardy Street to ensure any potentially disruptive behaviour is spotted and reported

- Tramshed staff clear litter from the street, and surrounding area ensuring the area is cleared and left in a safe and clean manner. This now includes, Pendyris Street, Mardy Street and under the Brains Bridge

9.8 In approving the details under condition 42, and in commenting on this application, the Pollution Control (Noise) Officer notes that the Queuing Management Plan (dated September 2022) covers concerns raised in previous planning applications and confirms that they have witnessed first-hand that the queue is managed effectively along Clare Road and not Pendyris Street. Further, given that there was only one complaint relating to noise from patrons leaving the venue, it is considered that on the whole the queue has been managed appropriately.

9.9 Officers note that the site is located on the fringe of the city centre in an area that is primarily residential in character. Through assessing the impact of the temporary trial period, the objections raised have been able to be considered on objective evidence of harm. In this respect, given that only complaint was received relating to the 18 late night events operated during the trial period, and no complaints were received by the SW Police (with neither Pollution Control or the Police objecting to the trial becoming permanent) it is considered that the performance venue has demonstrated that they are able to manage their patrons appropriately. Through the implementation of the Queuing Management Plan, they have also demonstrated that the queuing of patrons along Clare Road has been appropriately managed.

9.10 Notwithstanding the above, Officers have reviewed the existing conditions and consider there is justification to further strengthen condition 42 to provide additional control in the interest of protecting residential amenity. Notably the condition is recommended to be re-worded to ensure that the approved Queuing Management Plan is used for all events in the principal performance venue, and also incorporates a review mechanism to ensure that it remains fit-for-purpose. This will mean that the Plan can be amended to address any identified issues arising from operation. The applicant has agreed to this approach, which is included in the amended condition 42 below: -

*42. All events in the principal performance venue (including the 31 no. late night events approved under condition 9) shall be managed in strict accordance with the Queuing Management Plan approved under application ref. 22/02112/DOC on 13<sup>th</sup> January 2023, and shall ensure at all times that queuing does not take place on Pendyris Street, but along Clare Road back underneath the railway bridge. The Queuing Management Plan shall be subject to regular review, including consideration of any measures necessary to mitigate any issues arising from operation of the events in the preceding period, with an updated QMP submitted to the Local Planning Authority for its approval in writing no later than two years from this approval, or within one month of receipt of a formal request from the Local Planning Authority in response to justified complaints (whichever is the sooner). All events shall thereafter be managed in accordance with the most up to date Queuing Management Plan approved under this condition.  
Reason: To ensure that the use of the premises does not prejudice the amenities of local residents*

- 9.11 As such, no technical objections have been raised on residential amenity grounds to allow the events to be continued on a permanent basis, in accordance with LDP Policy EN13 and the Food, Drink and Leisure Uses Supplementary Planning Guidance (2017).
- 9.12 Although the principle of allowing 31 late night events on a permanent basis is acceptable in planning terms in its own right, Members are advised that the supporting submission from the applicant emphasises the critical importance of such late night events to the viability of this important performance venue. In this respect, it is also considered that the benefits of allowing up to 31 such late night events in any calendar year have material weight insofar as they will also allow the applicant to continue to operate a viable business following the Covid-19 pandemic. This serves to reinforce the conclusion that such events should be allowed to continue, subject to conditions including the strengthened condition 42.
- 9.13 Finally, Members will be aware that the licensing regime provides an additional layer of control over the operation of the venue, which supports the conclusions that any impacts arising from the permanent late night events can be controlled through planning condition and licensing.

*b. Crime and Disorder*

- 9.14 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'*.
- 9.15 Objections have been raised regarding anti-social behaviour linked with the performance venue involving drunk and disorderly patrons littering, urinating and vomiting on neighbouring streets. A key reason to apply a temporary permission for the late night events was to understand whether the anti-social behaviour was directly linked to the patrons of the performance venue, especially from those attending the late night events. As noted earlier, from the 18 events held during the trial period, one letter of complaint was received. However, the only matter related to anti-social behaviour was regarding people shouting, with the remaining matters relating to noise from cars and dangerous driving. Given the lack of objections, there has been no technical objection from Pollution Control or South Wales Police to the proposal on crime and disorder grounds.

*c. Traffic and Parking*

- 9.16 Officers have acknowledged the objections raised which state that the events at the Tramshed performance venue have resulted in an increase in traffic and

noise associated with car horns or slamming doors. 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 concerns than the earlier finishes. Further, the highway improvement works being delivered on the junction of Clare Road and Pendyris Street will improve the highway safety surrounding the venue and the reduction of traffic may lead to a reduction in the noise associated with cars dropping off/picking up patrons from the venue.

## 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 there would be no significant or unacceptable increase in crime and disorder 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.

## 11. CONCLUSION

- 11.1 The Local Planning Authority has considered the previous trial period which permitted 31 events per year to operate between the hours of 08:00 and 03:00. Only one complaint was received from Pollution Control (Noise) and no complaints were received from South Wales Police. This lack of objective evidence of harm has demonstrated that the Tramshed performance venue are able to manage their patrons appropriately, which has resulted in no technical objection to the proposal. Therefore, it is considered that the permanent permission to allow 31 events per year to operate between the hours of 08:00 and 03:00 will unlikely result in a detrimental impact on the neighbouring residents living conditions, in accordance with Cardiff Local Development Plan Policy EN13 and the Food, Drink and Leisure Uses Supplementary Planning Guidance (2017).

12. RECOMMENDATION

**RECOMMENDATION:** That planning permission be **GRANTED** subject to the conditions listed below.

CONDITIONS

1. *Condition 1 planning permission reference 21/01813/MJR has been removed as part of this application.*

*Reason: To ensure that the condition numbers remain as per the previous consent.*

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.

Reason: 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 16 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: 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 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: 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 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 de-odorising 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. All events in the principal performance venue (including the 31 no. late night events approved under condition 9) shall be managed in strict accordance with the Queuing Management Plan approved under application ref. 22/02112/DOC on 13<sup>th</sup> January 2023, and shall ensure at all times that queuing does not take place on Pendyris Street, but along Clare Road back underneath the railway bridge. The Queuing Management Plan shall be subject to regular review, including consideration of any measures necessary to mitigate any issues arising from operation of the events in the preceding period, with an updated QMP submitted to the Local Planning Authority for its approval in writing no later than two years from this approval, or within one month of receipt of a formal request from the Local Planning Authority in response to justified complaints (whichever is the sooner). All events shall thereafter be managed in accordance with the most up to date Queuing Management Plan approved under this condition.

Reason: To ensure that the use of the premises does not prejudice the amenities of local residents, and to ensure compliance with Policy EN13 and the Food, Drink and Leisure Uses Supplementary Planning Guidance (2017).