

LOCAL MEMBER OBJECTION

COMMITTEE DATE: 22/07/2020

APPLICATION No. **19/03210/MJR** APPLICATION DATE: 13/12/2019

ED: **GRANGETOWN**

APP: TYPE: **SECTION 73 (VARIATION OF CONDITION)**

APPLICANT: TEG Venues UK Limited
LOCATION: TRAMSHED, PENDYRIS STREET, GRANGETOWN, CARDIFF,
CF11 6QP
PROPOSAL: VARIATION OF CONDITION 9 OF 15/00225/MJR TO EXTEND
HOURS OF OPERATION TO ALLOW 31 NO. EVENTS PER
YEAR TO OPERATE UNTIL 03.00

RECOMMENDATION 1 : 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 re-enacting 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 328m²

A3 433m²

B1 324m²

D1 172m²

D2 996m²

(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 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.

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 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^{1.75} between 07.00 and 23.00 hours, and 0.26m/s^{1.75} 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-odourising 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.

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. 19/03210/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.
- 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 to 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 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, with alcohol being served until 02:30 and the music turned off at 03:00.

- Security will be increased to provide a 1:50 (security/public) ratio and a medical team will be on site throughout the events. 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.

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 12th 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), 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 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. Figure 3 and 4 shows that 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 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.

3. **SITE HISTORY**

- 15/00225/MJR – Planning permission granted on 22nd 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 3rd June).

- 15/01857/MJR – Permission granted on 8th September 2015, for the discharge of Condition 38 (Operational Management Plan) of planning application 15/00225/MJR.
- 17/01744/MJR – Application currently under consideration 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).

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 10, December 2018)

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

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

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

4.5 Cardiff Local Development Plan 2006-2026:

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

4.6 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)**: Officers have raised no objection, subject to the following conditions being attached to the planning permission:

1. *Prior to commencement of variation of condition 9 of 15/00225/MJR, a scheme shall be submitted to, and approved in writing by, the Local Planning Authority to provide a Queuing Management Plan. 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.

2. *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 permission.*

Reason: To enable the local planning authority to assess the effects of the variation at the end of the period with regard to any fresh application that may be submitted.

- 5.2 The Pollution Control Officer notes the concerns raised by residents and provides the following information:

“Having carried out a search on our database for the information requested, I can confirm there have been 6 service requests (two of which were duplicates related to the same events) relating to noise from the venue:

- *06/18: noise from people leaving the venue late at night*
- *05/19: noise from venue music and noise from people leaving the venue late at night (people drunk; shouting etc.)*
- *07/19: noise from loud music and PA system*
- *09/09: noise from people cueing on Pendryis Street for 3 hours prior to event (smashing of bottles; sitting on cars etc).*

- 5.3 **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. As such, the Transport Officer does not consider that the wording of the condition would materially alter the current transport conditions, and therefore raised no objection.

6. **EXTERNAL CONSULTEE RESPONSES**

- 6.1 **Police Architectural Liaison:** South Wales Police submitted comments on 2nd July 2020 stating that they agree in full with Pollution Control’s recommendation to apply a 12 month temporary permission. Whilst they have concerns with the extended hours, due to many incidents occurring in the locality, they are unable to demonstrate that the incidents link to the operations of the Tramshed performance venue. South Wales Police state that if the applicant can demonstrate in the next twelve months that they are able to manage their patrons appropriately, then they will not raise an objection to any subsequent application.

7. **REPRESENTATIONS**

- 7.1 Neighbouring properties have been notified with additional publicity undertaken by site notices. A total of 56 letters of representation have been received; 36

letters of objection, including objections from the landlord and a joint objection from Councillor Thorne, Councillor Lister and Councillor Sattar. 20 letters of support have been received from residents and from an Event Operator who works with the Tramshed music and arts venue. The representations are summarised below:

7.2 36 letters of OBJECTION have been received from residents, summarised as follows:

- Club/DJ/student events not appropriate within residential and mostly family occupied neighbourhood; adversely affecting the nature, character and its liveability. 23:00 deadline for live music is acceptable.
- Existing detrimental impact on residential amenity to the occupiers within the Tramshed live/work residential units, the dwellings along Pendyris Street and the surrounding streets in terms of noise, crime and disorder; intoxicated groups of people leaving/gathering outside the venue and the associated anti-social behaviour (shouting, violence, use of recreational drugs, urinating and vomiting on street, littering in front gardens and on street, vandalising local buildings and cars).
- Existing issues with noise/vibration from within Tramshed apartments from the performance hall.
- Performance artists swearing on the microphone within external seating area.
- Noise and light pollution from flashing lights/police sirens and cars beeping horns.
- Existing disturbance from Liberty Living Student Accommodation, which will be exacerbated.
- Late night events until 03:00 hours result in more crime and disorder.
- Banks won't lend against properties in building due to venue, situation to be exacerbated.
- The Operation Licence should comply with the original planning conditions, not vice versa.
- Increased traffic and parking concerns, parking permit holder spaces regularly being used illegally.

7.3 Ward councillors have been notified; a joint OBJECTION from Councillor Thorne, Councillor Lister and Councillor Sattar has been written as follows:

“Our reasons for the objection are that this facility is next to and opposite residential homes, prior to Lockdown the venue was having a detrimental effect on the wellbeing of those residents. We have met with the license holder and accept that he has done everything possible to minimise the impact but nevertheless the problems still occur.

1. Queues

Queues before the event there are queues along Pendyris street, generally lasting over an hour and often past midnight. These queues are rowdy, with the attendees often already drunk, shouting, drinking and causing a general nuisance even before they get into the event. We have also received complaints from residents who live within the Tramshed development in that

they feel intimidated if they need to enter or leave the building during these times. The Tramshed do their best to steward these queues, but residents say that this does not alleviate the noise and the intimidation they experience.

2. Loud Music/Noise

The club music is played very loudly, the beat of the music is audible within the Tramshed apartments and the flats opposite. Added to that is the continuous noise from cars and taxis when people are attending and leaving at different times and then once the event has finished the problem gets even greater.

3. Anti-Social Behaviour

When People dispersing after the night club's close at 3am people (both male and female) are often people urinating in peoples gardens and on their cars in the wider area beyond Pendyris Street and particularly Mardy Street, and some even continue street drinking for up to 45 minutes after the events causing further noise.

4. Litter

The litter left after the late night events is also a major problem. The venue claim that they litter pick after these events, but the Tramshed's plastic cups, along with condoms, underwear and broken glass bottles pushed under the wheels of cars and are very much present after each event.

We have a number of residents who live within the Tramshed development who have reached the point where they feel they need to sell their home and have had difficulty finding buyers because of the problem.

When planning committee first approved the application for the Tramshed, committee and residents, who were present, were given to understand that the event would be the type which would attract 40 to 50 year olds but since then they have introduced DJ acts which attract a much younger element and groups who very often arrive at the venue and are already very much inebriated and only concerned with their own pleasure and have no care or respect for the neighbourhood".

7.4 The landlord has raised an OBJECTION, providing the following comments:

"We fully endorse and support a thriving music/ venue scene in the city and feel that the original Licence to 11 pm is appropriate. When we built the scheme we had huge community consultation regarding this matter and we stated that as a company we will never allow any opening after 11PM as the community had grave concerns with regards to the anti-social behaviour, police presence, nightclub experience until 2-3am etc. We feel we must object strongly to the proposal to ensure the local residents and those living inside the Tramshed (many who have experienced huge and significant issues with the late night drum and bass nightclub experience) can enjoy their local surroundings. We want a safe, well run facility for all and especially for the local community".

7.5 Asbri Planning Consultants, on behalf of the landlord has raised an OBJECTION, providing the following comments:

“During the consideration and determination of the original planning permission for the Tram Shed development (Ref: 15/00225/MJR) DS Holdings undertook detailed consultation with the local community in relation to the proposals.

As part of these discussions legitimate concerns were raised by the local community over the operation of the performance venue – not just in terms of how it would operate but the opening times. Accordingly condition 9 of the planning permission (the subject of the above application) which controls the opening times of the performance venue was agreed and attached “to ensure that the use of the premises does not prejudice the amenities of local residents”. In addition, the key considerations of the Operational Management Plan for the performance venue required by condition 38 of the planning permission were discussed and agreed with member of the local community prior to the permission being granted.

Policy EN13 of the Cardiff LDP relates to noise pollution. It states that: Development will not be permitted where it would cause or result in unacceptable harm to health, local amenity, the character and quality of the countryside, or interests of nature conservation, landscape or built heritage importance because of air, noise, light pollution or the presence of unacceptable levels of land contamination.

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”.

In addition 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”.

In terms of the local context there are residential dwellings with the Tram Shed building itself, as well as immediately opposite the performance venue. Accordingly, this is why the hours of operation allowed under condition of the planning permission as currently drafted are considered acceptable. To propose an extension to these is akin to introducing a different ‘use’ from that of a live music venue (which was proposed as part of the planning application in 2015) to a nightclub type operation in a residential area on almost a weekly basis.

Accordingly, the proposed variation of condition will result in unacceptable impact to residential amenity contrary to the provisions of Policy EN13 of the LDP and should be refused”.

7.6 19 letters of SUPPORT have been received from residents, summarised as follows:

- Crucial for long-term viability of venue to adapt to changing times, especially post lockdown, which has had a profound impact on the hospitality and

- entertainment industry.
- The nightlife industry is crucial for the local economy in terms of jobs for local people working inside or around venues, food vendors, taxi services, food & drink suppliers, security staff etc.
 - Essential to attract a wide variety of performance artists to Cardiff, which will enhance the local culture.
 - The impact between closing at 12:30 compared to 03:00 hours is minor.
 - The venue attracts law abiding citizens who care for their community. The DJ led culture is part of Grangetown and wider Cardiff community and should be preserved.

7.7 An Events Operator for a series of national concerns and conceptual events that work's with the Tramshed performance venue SUPPORTS the application and made the following comments:

"The venue is purpose built, meticulously operated, maintained and in my experience - always goes above and beyond their call of duty to create a safe environment for guests and staff alike.

Tramshed has always been a very well run business, but like any business - it needs to adapt to changing times in order to continue its operations successfully. From my understanding the venue operators have always worked closely with the licensing department and react promptly to deal with any concerns raised from local residents. I'm sure you are aware of the plight of music venues and event spaces around the UK, Cardiff of course is no different. The profound impact this is having on the hospitality and entertainment industry is impossible to ignore, but more so the detrimental effect this is having on the attractiveness of locations for young professionals, university admissions and members of the general population. Thereover, the nightlife industry contributes to the economy in the form of jobs for local people working inside or around venues, food vendors, taxi services, food & drink suppliers, security staff, the list goes on.

In my personal experience of hosting events at Tramshed, we initially had to operate to strict closing times of around 1am. Upon our return the following year, we were granted access to a late license allowing us to close much later. Despite the later operating times, we experienced no difference in the clientele, their demographic, their attitude or their behaviour. The venue operates in the same way regardless of opening times to protect local amenities and in actual fact, is able to thrive more so as the later times allow more of your local residents and tourism guests to attend events.

Late licenses are always crucial for venues to success, but not more so than ever - in the wake of Coronavirus and the inevitable crippling affect this will have on local economies. Can Cardiff really afford to lose another industry and all the jobs and businesses that benefit from its operation?"

7.8 In response to the objections outlined above, the agent has provided the following response:

“Tramshed have been operating at these premises since Oct 2015 having taken over the lease of this purpose built entertainment venue. They successfully operate a number of venues in addition to this one across the UK, and for each venue they have a track record of working in collaboration with the local authorities and police to ensure that these events are managed to the highest possible standard. Under the current planning permission, the applicant is allowed to operate the venue up to 12.30am every Friday and Saturday. These events are managed by a committed and highly competent management team who regulate their customers in and out of each events.

The current planning application seeks to enable them to operate up to 31no. events per calendar year (including New Year’s Eve) up to 3am. These would be DJ led events in the genres of pop music, disco & funk and electronic music. They have already been granted a premises licence to operate up to 21no. events per calendar year (and are in the process of extending this to tie in with the current planning application). These events are essential to enable the applicant to continue to operate a viable business, in an industry that currently finds itself in ever challenging times (which are hitting live music venues very hard across the UK).

Security would be increased during these events to provide a 1:50 (security/public) ratio and a medical team would be on site throughout the nights. Leading up to the end of the event, security staff would be positioned to enable customers to leave the venue in an efficient and appropriate manner, staying on site until all customers have left the venue and surrounding area.

The proposals have generated significant letters of representation in support of the proposal which demonstrates how valuable this venue is to the wider community. It is also acknowledged that a number of letters of objection have been submitted following the submission of this planning application, citing their concerns with respect of the potential disruption that the extended hours of operation would have on their quality of life. The majority of these letters of objection appear to be from residents who live within the apartments that were constructed as part of this mixed use development and would have therefore been fully aware of the nature of entertainment venue (which can already lawfully operate until 12.50am on weekend) that they would be moving next to in advance. Concerns have also been raised about the perceived impact of crime and antisocial behaviour in the area which they believe is the consequence of the operation of this venue, however the updated consultation response from the Police confirms that any criminal activity in the surrounding area has not been found to be directly linked to the customers of the venue (or indeed has resulted in any spike during the nights when events at the TramShed have been held). In fact, following the outbreak of the Coronavirus, the venue has temporarily closed down and it is understood that the number of criminal incidents recorded within the immediate surrounding area has not materially changed during these times.

It should be noted that prior to the submission of this planning application to vary the operational hours, the applicant had received only a handful of complaints from residents or through the EHO, and where issues have been

raised the EHO will attest that the applicant has worked proactively in order to seek to resolve these issues. Indeed no objections were raised by individual members of the public when the applicant first applied for the premises licence to be extended to enable 21 late opening events (despite that process involving a public consultation process).

The applicant has a good working relationship with local community organisations (including Where I'm Coming From - a monthly open mic night for Women in the BAME community; SGT Peppers - a new 'music for mental health' event and Immersed! - an annual event which Tramshed run alongside the University of South Wales in aid of Teenage Cancer Trust. Alongside the larger events, Tramshed also run monthly 'Local Sessions' which focus on local bands and acts from Cardiff and the surrounding area.) and is always looking to improve their management of the premises, particularly in respect of the dispersal of customers in order to avoid potential nuisance to local residents. Indeed, the extended operating hours would result in the dispersal rate of its customers being spread out to enable a steady flow of customer leaving the premises over a longer period of time, and such events are in fact easier to manage than events where customers leave on mass over a shorter and more concentrated period of time (as is the case with the current planning permission).

The applicant operates a robust Queue Management Plan with the vast majority of its customers booking tickets for these late opening events in advance. This includes a suitably designed queuing system along Clare Road, which Tramshed switched from Pendyris Street, in consultation with the police, residents and councillors, with security and medical staff available on site to quickly resolve any incidents, including egress from the premises. The team also go above and beyond in regards to keeping Pendyris Street clean and litter free during and after the events have finished. The applicant is required to inform the Licencing Team of a late night event 31 days in advance and any incidents are recorded and an End of Night report is produced after every event. Their management systems are constantly under review, in close collaboration Police and the Council, and with regular collaboration with the local community. It has been demonstrated that the imposition of a condition requiring this recommendations of the Queue Management Plan to be implemented would be entirely enforceable.

The applicant is willing to accept an existing 12 month temporary planning permission (as recommended by the Police and the EHO) in order to give the Council the comfort to support a permanent planning approval in a year's time.

In summary, Tramshed has been acknowledged by the authorities as one of the best operated venues in Cardiff with a small amount of incidents for the size of the establishment, frequency of trade and the footfall of guests it experiences. They are a proactive team that makes the safety of their guests and comfort of the residents are priority. At all times they have dealt with any complaints received and have proven that they are a valued member of the Grangetown community. The management team are well trained, diligent and passionate about the venue and the community with the majority being

residents themselves. The effects of the current pandemic on venues across the country is already well known and Tramshed is no exception to this. By granting the planning application you are protecting jobs within the community and giving Tramshed the ability to bounce back once venues are allowed to reopen. With this opportunity the team at Tramshed will be able to plan a course for the future to keep the venue sustained until the event, music and hospitality industry can return to normal”.

- 7.9 The Licencing Solicitor who has represented the interests of The Tramshed for the last 3 years, made the following comments (please note that these comments were made prior to South Wales Police’s final comments):

“We should point out the following:-

- *The Environmental Health Officer has not objected to any of the applications to vary the premises licence under the licensing act or the application for planning. The EHO is the statutory expert on amenity in planning terms, and public nuisance in licensing terms.*
- *The police officer who has raised issue with the planning application has not had any detailed contact with the operator, whereas the police licensing officers have.*
- *The police licensing team were content once the decision to vary had been granted in 2018 to agree to the extension from 20-30 occasions per year for extended hours, whilst modernising conditions on the premises licence.*
- *There appears to be a lack of consistency between the police licensing officer and the officer who has raised issues with the planning application.*

My understanding from the planning consultants retained in this matter is that the environmental health officer has recommended that the application is agreeable to on an initial temporary planning grant for 1 year. We wonder in the circumstances whether there is merit in the police licensing officers and the officer who has raised representation to the grant of planning discussing this as the licensing officers have a detailed knowledge of the running of the premises”.

8. **ANALYSIS**

- 8.1 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

- 8.2 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'*.

- 8.3 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'*.
- 8.4 The application has received a number of objections from residents, ward members and the landlord, 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 and the music sometimes causes their apartments to vibrate. There has also been an objection claiming that a performance artist was heard swearing on the microphone from within the external seating area. There have been further objections regarding the noise from patrons accessing and leaving the site, the noise and light pollution from police car sirens, and cars and taxis beeping their horns outside of the venue. Neighbouring residents have noted that the excessive noise at street level from attendees of the Tramshed, has meant that they are unable to open their windows during warmer weather.
- 8.5 The landlord notes that during the consideration and determination of the original planning permission for the change of use of the Tramshed (ref: 15/00225/MJR), legitimate concerns were raised by the local community regarding the opening hours and operation of the performance venue. Condition 9 was therefore implemented to ensure that the use of the premises would not prejudice the amenity of local residents. Condition 38 was also applied to ensure that the venue would be operated in accordance with an Operational Management Plan. The landlord considers the existing planning conditions appropriate. They also consider that the proposal is akin to introducing a different 'use' from that of a live music venue to a nightclub type operation, in a residential area on almost a weekly basis.
- 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 apartment. 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 Pendryis 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.

- 8.7 Notwithstanding the objections, Pollution Control have 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. The agent notes that the submitted Management Plan already includes a suitably designed queueing system along Clare Road. However further information will be required to ensure that the queue does not harm neighbouring amenity, to try and address the objections raised. Therefore, a new condition has been incorporated accordingly (see condition 42).
- 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. With regard to the objection that the application will be akin to a change of use, the 12 month permission will act as a trial to prove whether this is the case. Nevertheless, it should be noted that a nightclub and performance venue both fall under Use Class D2 and so would not require the submission of a change of use application.

b. 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 and the use of recreational drugs on the surrounding streets. In addition, objections have noted that certain genres of music that are linked to the 03:00 hour events have caused increased violence and littering on the streets.

- 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. This claim has also been echoed by the Tramshed Licencing Solicitor who represented the Tramshed venue at the licensing sub-committee on 6 April 2018, to allow the additional late opening events. The Solicitor refers to the notice of decision of the licensing sub-committee. Critically, the decision states: *"We feel that the evidence provided by South Wales Police relates to the live music/grime events and we note there have not been any complaints regarding the 34 DJ led club nights that have taken place. We are satisfied that the applicant runs the premises in a responsible manner with few incidents. We have accepted the applicant's submission that the DJ led club nights do not have the same problems with incidents or dispersal as the standard live music events"*. As such, this decision highlights that the DJ led events, that are the subject of this application, resulted in fewer problems than the events allowed in accordance with Condition 9.
- 8.14 South Wales Police have raised concerns with the proposal regarding incidents in the vicinity of the Tramshed venue. However, their updated response confirms that any criminal activity in the surrounding area has not been directly linked to the attendees of the venue. As such, they have agreed with the Pollution Control recommendation to propose a 12 month permission, which

will allow the Tramshed to demonstrate that they are able to manage their patrons appropriately.

c. 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.

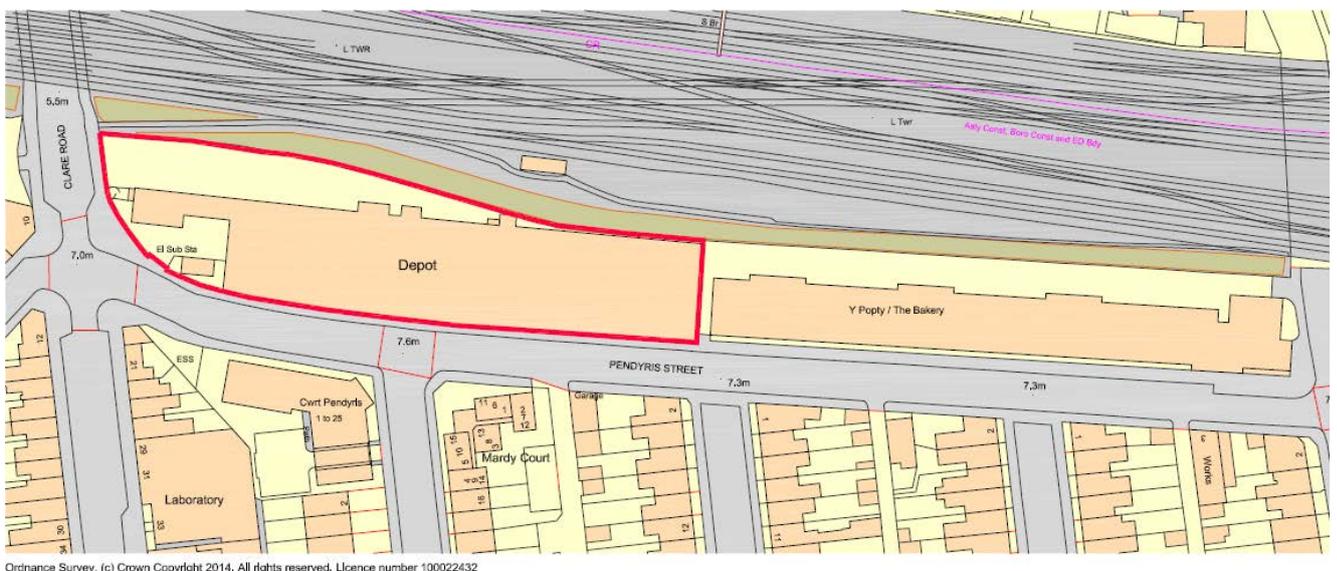


Figure 1: Site location plan.

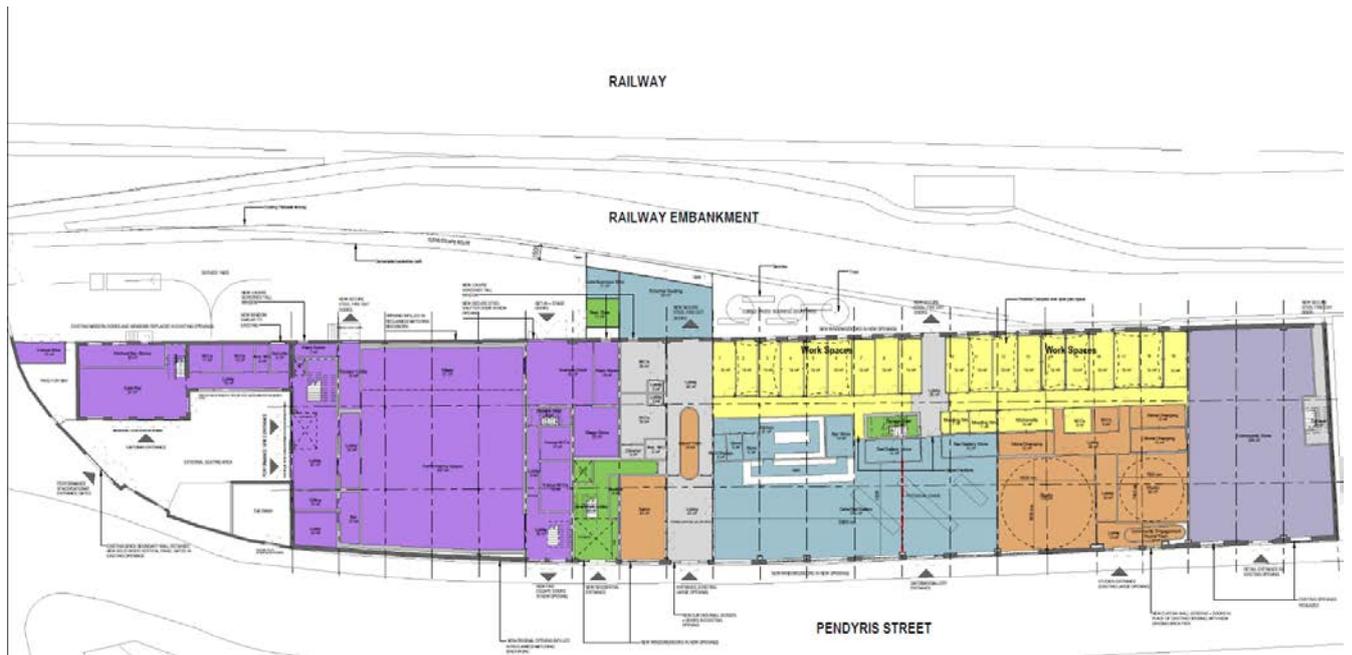


Figure 2: Ground floor plan.

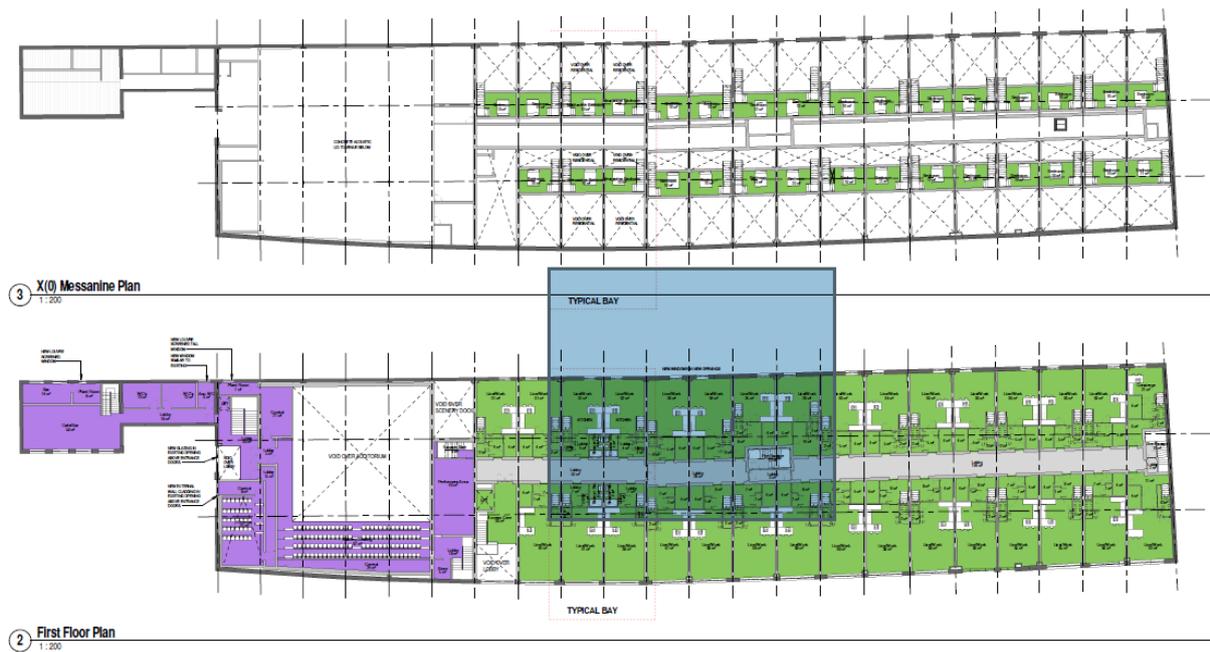


Figure 3: The first floor and mezzanine floor plans demonstrate the proximity of the live/work residential units to the performance and arts hall.

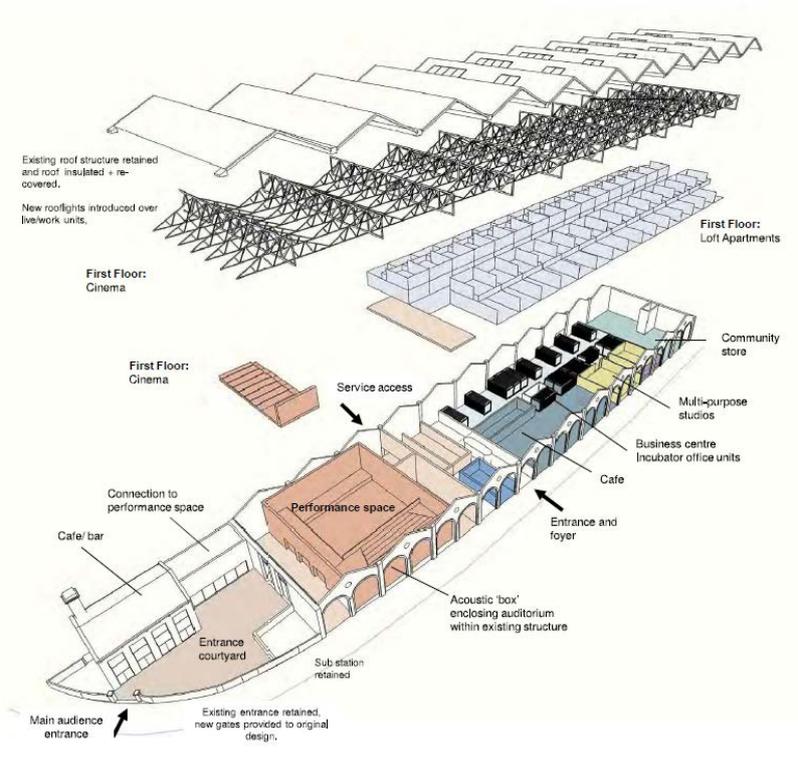


Figure 4: An exploded axonometric drawing shows the layout of the Tramshed mixed-use development.