

3-4 St Mary Street, Cardiff, CF10 1AT

Red Engine

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BIDWELLS

**PLANNING SUPPORT STATEMENT  
INCORPORATING HERITAGE  
STATEMENT**

**PROPOSED VARIATION OF CONDITION 4 OF  
PLANNING PERMISSION 21/02528/MNR  
RELATING TO HOURS OF USE OF LEISURE  
USE WITH ASSOCIATED RESTAURANT AND  
BAR FACILITIES**

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# 1.0 Introduction

1.1 This Planning Support Statement has been prepared to accompany an application for planning permission for the proposed variation of condition 4 of planning permission 21/02528/MNR relating to the use of the premises as a leisure use with associated restaurant and bar facilities, at 3-4 St Mary Street, Cardiff, CF10 1AT.

1.2 Condition 4 of 21/02528/MNR states the following:

*Members of the public shall only be admitted to or allowed to remain on the premises between the hours of 08:00 – 00:30 on Sundays to Wednesdays and 08:00 – 01:30 on Thursdays to Saturdays.*

*Reason: To ensure that the amenities of other premises in the vicinity are protected, in accordance with policy EN13 of the Local Development Plan.*

1.3 It is proposed to amend the wording of condition 4 of planning permission 21/02528/MNR to allow an additional hour of trading on Thursdays to Saturdays and on Sundays preceding a Bank Holiday; along with opening until 0330hrs on New Year's Eve. The revised condition would read as follows:

*Members of the public shall only be admitted to or allowed to remain on the premises between the hours of 08:00 – 00:30 on Sundays to Wednesdays; 08:00 – 02:30 on Thursdays to Saturdays; 08:00 – 01:30 on Sundays preceding Bank Holidays; and 08:00 – 03:30 on New Year's Eve.*

*Reason: To ensure that the amenities of other premises in the vicinity are protected, in accordance with policy EN13 of the Local Development Plan.*

1.4 The proposed hours of use would then align with the recently granted Premises Licence (Ref: CCCP02330 - see Appendix 1).

1.5 The application site is a locally listed building which is located within a designated conservation area and is surrounded by neighbouring statutory listed buildings. Consequently, this Planning Support Statement also includes a Heritage Statement, as well as Design and Access Statements submitted separately.

1.6 The Statement is set out in eight sections and comprises:

1.0 Introduction

2.0 Site Description & Surrounding Area

3.0 Proposals & Planning History

- 4.0 Relevant Planning Policies
- 5.0 Assessment of Planning Issues
- 6.0 Summary
- 7.0 Heritage Statement
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## 2.0 Site Description & Surrounding Area

- 2.1 The application site comprises a three-storey terrace building.
- 2.2 The application building is locally listed and is located within the St Mary Street Conservation Area. The neighbouring buildings either side and opposite in St Mary Street are statutory listed buildings.
- 2.3 The application site is also located within the city centre and the designated Principal Shopping Area.
- 2.4 The local area is characterised by a typical variety of modern retail and leisure uses that would be expected within a major city centre area such as this. These neighbouring uses include food and drink led-leisure operators. The local area is lively and vibrant in nature throughout the daytime and night. The wider local area contains a variety of building styles and heights. There is a wide variety of shopfront design within the neighbouring area.
- 2.5 The application site is located within a highly accessible urban location, where transport options are good.

## 3.0 Proposals & Planning History

- 3.1 This planning application proposes the continued use of these premises as a leisure use with associated restaurant and bar facilities, with a variation to condition 4 of planning permission 21/02528/MNR.
- 3.2 The existing use is a 'Flight Club' darts venue, with associated restaurant and bar facilities. Each of the playing areas (oches) can be booked out to groups of up to 20 guests, with 12 people able to play Social Darts at any given time. The applicant's technology allows all of the players to be registered on the oche and a member of staff acts as host and shows customers how to add, rotate and remove players at the start of each booking to allow everyone to take part. Around 85% of customers book in advance. The darts games have been designed with beginners in mind and the technology guides customers through each game and tracks the scores. A full table service is offered for food and drinks orders and a 'call the waiter' button on each oche is there to alert staff that customers wish to place an order. The applicant also encourages customers to pre-order food and drinks to ensure the smooth running of their event and around 40% of bookings place food and beverage orders in advance of their booking date.
- 3.3 The applicant's reservations team advises customers on the ideal amount of playing time to suit the group size to ensure they get the best Social Darts experience possible, this is usually 90 minutes as standard for groups of 12 or less, or 2+ hours for larger groups. Booking slots are arranged at staggered intervals to ensure a smooth flow of arrivals and departures. This ensures that oche bookings end at staggered intervals, so the flow of customers in/out of the venue is carefully managed. To make Social Darts accessible for those who are unable to obtain a booking, the applicant always holds back two oches at each venue for 'Social Roll-Up'. These oches cannot be booked in advance and are only available to guests on a walk-in basis on the day. Guests without a booking are able to sign up at the reception for the next available Roll-Up slot. If the group is smaller than 6 customers they are paired with another group to give them a taster of what Social Darts has to offer, along with a bit of friendly competition. This is a fully staff hosted experience and is free of charge to customers. Multiple oches can be combined to create unique hire spaces, ideal for engaging, competitive and memorable corporate events and celebrations for groups of 40 to 250 guests. A staff host is on hand to ensure the smooth running of each event and a 'Flight Club Gamesmaster' runs a tournament and medal presentation at the end of the event. The applicant also has two set canape packages on offer, making it incredibly easy operationally to cater for large groups.
- 3.4 The employment generated by the use is 35 full-time employees (5 of which would be managers) and 15 part-time employees. The proposed trading hours would be 0800 to 0030 hours Sundays to Wednesdays; 0800 hours to 0230 hours Thursdays to Saturdays; 0800 hours to 0130 hours on Sundays preceding Bank Holidays; and 0800 hours to 0330hours on New Year's Eve.

- 3.5 The application site is the subject of an extensive planning history. Of material relevance, planning permission on No. 4 St Mary Street was granted on 13/11/2015 for the change of use of the ground and first floors to a Class A3 dessert lounge/restaurant, with associated shopfront alterations (LPA reference: 15/02388/MNR). Condition 3 limited its use as a restaurant only, whilst condition 4 restricted the trading hours.
- 3.6 Subsequently, planning permission on Nos. 3 and 4 St Mary Street was approved on 22/07/2020 for the change of use of the upper floors from office/storage use to Class A3 use (LPA reference: 20/00869/MNR). Condition 2 limited its use as a restaurant only, whilst condition 3 limited the trading hours.
- 3.7 Planning permission was then granted on 26/11/2021 for the proposed use as a leisure use with associated restaurant and bar facilities, together with the provision of a replacement shopfront (LPA Reference 21/02528/MNR). Condition 4 of 21/02528/MNR is the subject of this current planning application.

## 4.0 Relevant Planning Policy

### Planning Policy Wales (Edition 12 – February 2024)

- 4.1 The primary objective of Planning Policy Wales (PPW) is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales (paragraph 1.2).
- 4.2 PPW is clear that the planning system should be efficient, effective and simple in operation. It is not the function of the planning system to interfere with or inhibit competition between users of and investors in land (paragraph 1.19).
- 4.3 PPW also addresses other legislation. The planning system should not be used to secure objectives which are more appropriately achieved under other legislation. The aim should be to maintain the principle of non-duplication, wherever possible, even where powers and duties resulting from other legislation may also be the concern of local authorities. This does not mean failing to address issues which the planning system should be properly concerned with. In practice issues will often overlap and in such circumstances the planning system will have a preventative and early role to play and is capable of both avoiding the creation of problems and securing multiple benefits through positive and proactive planning approaches. Where appropriate it will be advantageous to address issues in parallel. The grant of planning permission does not remove the need to obtain any consent that may be necessary, nor does it imply that such consents will be forthcoming, and similarly, the granting of other consents should not be used to justify the granting of planning permission (paragraph 1.21).
- 4.4 PPW adds that development management is the positive and proactive approach to shaping, considering, determining and delivering development proposals through the process of deciding planning applications. It is led by the planning authority, working collaboratively with those proposing developments and other stakeholders including the local community. It must be undertaken in the spirit of partnership and inclusiveness (using the five ways of working) and supports the delivery of key priorities and outcomes (contributing to improving the social, economic, environmental and cultural well-being) (paragraph 1.30).
- 4.5 PPW also requires that the planning system creates sustainable places which are attractive, sociable, accessible, active, secure, welcoming, healthy and friendly. Development proposals should create the conditions to bring people together, making them want to live, work and play in areas with a sense of place and well-being, creating prosperity for all (paragraph 2.3).
- 4.6 The key planning principles of PPW are listed in its Figure 4. These include growing the economy in a sustainable manner. PPW elaborates that the planning system should enable development which contributes to long term economic well-being, making the best use of existing infrastructure and planning for new supporting infrastructure and services. Also included within Figure 4 is the

key planning principle to maximise environmental protection, stating that historic assets must be protected, promoted, conserved and enhanced.

4.7 Section 4 of the PPW addresses active and social places. Active and Social Places are those which promote social, economic, environmental and cultural well-being by providing well-connected cohesive communities. PPW seeks the diversifying of retail and commercial centres, so they can adapt to future retail trends, so that they can continue to meet the needs of their local communities. PPW seeks to enable sustainable access to employment, shopping, education, health, community and leisure facilities, amongst others, maximising opportunities for community development and social welfare; along with the goal to capitalise on existing retail and commercial centres as hubs of social and economic activity and the focal point for a diverse range of other services supporting the needs of local communities and their wider catchments (all Section 4 introduction).

4.8 PPW states that retail and commercial centres are hubs of social and economic activity and the focal point for a diverse range of services which support the needs of local communities. They are highly accessible to different modes of transport and are the most sustainable locations for new development (paragraph 4.3.1). Retail and commercial centres should be identified in development plans and include established city, town, district, local, village and neighbourhood centres, which provide a range of shopping, commercial and leisure opportunities as well as places of employment, education, civic identity and social interaction (paragraph 4.3.2). The Welsh Government identifies a number of overarching objectives for retail and commercial centres, which planning authorities should aim to deliver through their development plan and development management decisions ensuring their maximum contribution to the well-being goals. The planning system must: promote viable urban and rural retail and commercial centres as the most sustainable locations to live, work, shop, socialise and conduct business; and sustain and enhance retail and commercial centres' vibrancy, viability and attractiveness (paragraph 4.3.3). Vibrant and viable centres are distinguished by a diversity of activity and uses which should contribute towards a centre's well-being and success, whilst also reducing the need to travel (paragraph 4.3.33). PPW specifically adds:

*Leisure and entertainment, and food and drink uses can benefit retail and commercial centres, and with adequate attention to safeguarding amenities can contribute to a successful evening economy. In addition to general diversity of uses, mixed use developments, which combine retailing with entertainment, restaurants and, where appropriate, residential in a comprehensive and planned way should also be encouraged where appropriate to promote lively centres during both the day and the evening (paragraph 4.3.34).*

4.9 PPW also considers the importance of the evening and night time economies. Retail and commercial centres often include activities which contribute to a vibrant and viable evening and night time economy. Such uses may include, for example, bars, restaurants, pubs, theatres, music, arts and other entertainment venues which provide for social and cultural experience and



spaces in which creativity can be fostered (paragraph 4.3.43). The important role that retail and commercial centres have in creating diverse and vibrant cultural and creative places and the wider benefits these bring in stimulating wider regeneration should be recognised by planning authorities (paragraph 4.3.45).

- 4.10 Planning authorities must ensure new housing, jobs, shopping, leisure and services are highly accessible by walking and cycling (paragraph 4.1.32).
- 4.11 PPW also addresses the historic environment within section 6.1. The planning system must take into account the Welsh Government's objectives to protect, conserve, promote and enhance the historic environment as a resource for the general well-being of present and future generations. The historic environment is a finite, non-renewable and shared resource and a vital and integral part of the historical and cultural identity of Wales. It contributes to economic vitality and culture, civic pride, local distinctiveness and the quality of Welsh life. The historic environment can only be maintained as a resource for future generations if the individual historic assets are protected and conserved (paragraph 6.1.5). Specifically, regarding listed buildings, PPW seeks to safeguard the character of historic buildings and manage change so that their special architectural and historic interest is preserved. Specifically, regarding conservation areas, PPW seeks to preserve or enhance the character or appearance of conservation areas, whilst the same time helping them remain vibrant and prosperous (paragraph 6.1.6). The application of planning and listed building controls should recognise the need for flexibility where new uses have to be considered in order to secure a building's survival or provide it with a sound economic future (paragraph 6.1.11). There should be a general presumption in favour of the preservation or enhancement of the character or appearance of conservation areas or their settings (paragraph 6.1.14).

#### **Development Plan Policies**

- 4.12 The key Development Plan document relevant to the application proposals is the Cardiff Local Development Plan (LDP) 2006-2026, which was adopted in January 2016. The accompanying Proposals Map locates the site within the Central and Bay Business Areas, the Central Shopping Area and within a Protected Shopping Frontage.
- 4.13 Policy KP5 of the LDP addresses good quality and sustainable design and requires all development to be of a high quality, sustainable design that makes a positive contribution to the creation of distinctive communities, places and spaces. Development proposals must respond to local character and context, including their impact upon the built heritage. Development must provide a diversity of land uses to create balanced communities and add vibrancy throughout the day. Development must also promote the efficient use of land, developing at the highest practicable densities. Development must also ensure no undue effect on the amenity of neighbouring occupiers. Inclusive design should be fostered, to ensure that buildings, streets and spaces are accessible to all users.

- 4.14 Policy KP10 of the LDP concerns the Central and Bay Business Areas. This states that, amongst others, commercial leisure uses and other uses most appropriately located in city centres are considered to be appropriate within such areas.
- 4.15 Policy KP17 of the LDP addresses built heritage. This policy states that Cardiff's distinctive heritage assets will be protected, managed and enhanced, in particular, amongst others, Locally Listed Buildings.
- 4.16 Policy EN9 of the LDP concerns the conservation of the historic environment, and states that development affecting conservation areas, locally listed buildings and their surrounding curtilage, amongst others, will only be permitted where it can be demonstrated that it preserves or enhances that asset's architectural quality, historic and cultural significance, character, integrity and/or setting.
- 4.17 Policy EN13 of the LDP addresses air, noise, light pollution and land contamination. This policy states that development will not be permitted where it would cause or result in unacceptable harm to health, local amenity or the interests of built heritage importance, amongst others, because of air, noise, light pollution or the presence of unacceptable levels of land contamination.
- 4.18 Policy T6 of the LDP concerns the impact on transport networks and services. This policy states that development will not be permitted which would cause unacceptable harm to the safe and efficient operation of the highway, public transport and other movement networks, including pedestrian and cycle routes, public rights of way and bridle routes.
- 4.19 Policy R2 of the LDP addresses development in the central shopping area. Development proposals within this area will be assessed against whether the proposal involves the loss of shop uses (Class A1) from within the Protected Shopping Frontages; whether the proposal involves retail and other uses which enhance the vitality, viability and attractiveness of the city centre; whether the development allows for, or retains the effective use of, upper floors; and whether the proposal supports the regeneration, renewal and enhancement of the city centre.
- 4.20 Policy R3 of the LDP covers the protected shopping frontages and states that proposals involving the loss of Class A1 (shops) use within the Protected Shopping Frontages will be assessed against a range of criteria. These criteria comprise the balance and distribution of existing and committed non-shop uses; the amount of A1 floorspace and frontage length being lost; whether and for how long the premises have been vacant and actively marketed; the location, character and prominence of individual premises or frontages; the nature of the proposed use, including whether an appropriate shopfront and window display is to be provided; and the impacts of the proposed use upon the amenity of adjacent or nearby residents.
- 4.21 Policy R8 of the LDP concerns food and drink uses and states that such uses are most appropriately located in the city centre Central Business Area, amongst others, subject to amenity

considerations, highway matters, crime and the fear of crime considerations, and where they do not cause unacceptable harm to the shopping role and character of designated centres.

### **Cardiff Replacement Local Development Plan Preferred Strategy (CRLDPPS - 2023)**

- 4.22 CRLDPPS was published in June 2023 and is a material consideration.
- 4.23 Objective 7 of CRLDPPS seeks to ensure that centres can operate as flexibly as possible where a variety of retail, employment, commercial, community, leisure, health and public sector uses come together in a hub of activity to make them viable as go-to destinations once more by setting out a vision for each centre, establishing boundaries and identifying sites for redevelopment.
- 4.24 Objective 11 of CRLDPPS sets out how Cardiff's nighttime economy and music scene can form part of a vibrant and diverse city centre.

### **Supplementary Planning Documents**

- 4.25 The LPA has also adopted relevant supplementary planning documents and guidance.
- 4.26 The City Centre Design Guide was adopted in September 1994. This document requires proposals to address conservation areas and listed building. It also refers to separate guidance on shopfronts and signs. Policy 1 of this document requires high quality design. Policy 2 requires proposals to respond to their surroundings. Policy 4 requires proposals to have regard to their historic context. Policy 7 states that proposals that include extensions or alterations to buildings will be required to have regard to the existing building. Policy 11 states that development proposal and uses will be expected to contribute to a lively and enjoyable pedestrian environment.
- 4.27 The Food, Drink and Leisure Uses Supplementary Planning Guidance (SPG) was adopted in November 2017. Paragraph 3.1 of this SPG states that food, drink and leisure uses, provide important services and facilities that need to be located where they are widely accessible. They can serve to complement and enhance the existing shopping role of a centre as well as increase its footfall. They are also essential to providing a thriving night time economy. However, they can also cause various impacts that require their location to be carefully considered, including vehicular and pedestrian traffic, noise, fumes, litter, late night disturbance and anti-social behaviour. For these reasons, such uses are in principle most appropriately located, within the following designated centres: Central Shopping Area (Protected Shopping Frontages) (LDP policy R2 and R3) and City Centre (Central Business Area) (LDP Policy KP10 (amongst others)). Paragraph 3.3 adds that their acceptability in these locations will be subject to the detailed considerations, including the impact on the shopping role and character of designated centres, amenity considerations, crime/fear of crime considerations, and highway matters.
- 4.28 The Food, Drink and Leisure Uses SPG also specifically covers mixed A3 and A3/D2 uses. Paragraph 4.7 adds that, in circumstances where a mixed A3 or A3/D2 use is proposed, applicants will be expected to submit a statement in respect of their proposed use, which establishes the

precise nature of the proposal, including customer/market characteristics and type of operation, in order that potential impacts can be fully considered.

- 4.29 The Food, Drink and Leisure Uses SPG addresses these uses within the Central Shopping Area (Protected Shopping Frontages) and cross-references to the relevant Development Plan policies already rehearsed above, which intend to protect the shopping role and character, and vitality and viability of the Central Shopping Area by controlling the location and number of non-shop uses. Recognising the potential benefits of non-shop uses, adopted Development Plan policy seeks to secure a balanced distribution of such uses and to broaden diversification, while restricting the erosion of an area's shopping role and character. Non-shop uses will not be permitted where they threaten the shopping role and character of an area, and / or its continued vitality and viability (all paragraph 4.9).
- 4.30 The Food, Drink and Leisure Uses SPG also lists the other considerations against which proposals for such uses will be considered. These are summarised as amenity/noise and disturbance/litter/smells; crime and fear of crime; concentration/cluster of similar uses; traffic, parking and access; hours of opening; and health and well-being (paragraph 5.1).
- 4.31 The Shopfront Design and Signage Supplementary Planning Guidance (SPG) was adopted on June 2019. The purpose of the SPG is to seek high quality shopfront and signage across the city and to indicate the standards and design principle that will be sought when considering these (paragraph 2.1). Design principles are outlined within the SPG, together with an outline of the key elements of shopfronts. New shopfronts are expected to relate to the character of the street in their proportions, materials and detailing (paragraph 6.1). Special consideration is given within conservation areas or locations adjacent to a listed building (paragraph 6.2). Shopfront proposals are also required to respect the design of the building into which it is fitted, including its architectural age, scale, form and use of materials (paragraph 6.1). Shopfronts should not be designed in isolation and care should be taken to respect the design of the building into which it is fitted and its neighbours (paragraph 8.1). Easy access into shops should be available to all (paragraph 13.1).
- 4.32 The St Mary Street Conservation Area Appraisal was adopted in 2006. This document explains that although the area is mainly Victorian in age, its layout reflects the former Medieval street pattern, with narrow and irregular passages and traces of burgage plots (Section 2.2).
- 4.33 The St Mary Street Conservation Area Appraisal accepts that there is a high level of vacant floor space within the St. Mary Street Area. Re-investment in the area has taken place in more recent years and has resulted in the opening of many new establishments and the refurbishment and expansion of existing premises, particularly in the café, bar and club sector. The St. Mary Street area is almost certainly the most diverse within the City Centre and is heavily influenced by events at the Millennium Stadium; the area also encompasses a large concentration of food and drink outlets that affect the area's character day and night. Generally, during the day time the area

performs a shopping role, however, financial institutions tend to dominate, but during the night the area becomes more vibrant, transformed by cafes, bars, restaurants and take away establishments. The increasing number of food and drink and nightclub uses in the St. Mary Street area, is reducing the attractiveness and viability of the area for other uses and sometimes presents a threatening night-time economy. The balance and intensity of established land-uses is an important determinant of an area's essential character (Section 2.3).

- 4.34 The St Mary Street Conservation Area Appraisal outlines the diverse range of architectural styles within the conservation area. These styles include the Art Deco and the upper floors of the application building is cited as a good example of this architectural style within the area (Section 2.4).
- 4.35 The St Mary Street Conservation Area Appraisal's analysis of strengths and opportunities include, as a weakness, the proliferation of A3 uses; night time perception of crime and violence; daytime blank frontages; litter problems. A further identified weakness is upper floor vacant units, which can have a negative impact on the maintenance of key historic buildings; along with the design integrity of some modern shopfront improvements, which undermine the street scene. One of the identified threats is the proliferation of A3 [bar/restaurant] uses, which could increase the perception of crime and fear, damaging the special character and distinctiveness of the Conservation Area (all Section 4.1).
- 4.36 The St Mary Street Conservation Area Appraisal's goals include: maintaining the coherence and character of the St. Mary Street Conservation Area; ensuring the protection of the status of the Conservation Area, Listed Buildings and Locally Listed Buildings; ensuring that new developments are well integrated within the historic street scene and to secure an appropriate balance between shopping and other uses, in particular to control the increasing pressure for café/bar uses; and encouraging the better use of vacant upper floors of buildings within the Conservation Area (Section 5.1). The specific goals for the St Mary Street area are: to improve the quality of the pedestrian environment, redressing the balance between pedestrians and traffic; to secure an appropriate balance between retail A1 (shops) and other uses; and to improve the commercial viability of the area and tackle the problem of high vacancy (Section 5.2).

## 5.0 Assessment of Planning Issues

- 5.1 This planning application proposes the continued use of these premises as a leisure use with associated restaurant and bar facilities, with a variation to condition 4 of planning permission 21/02528/MNR.
- 5.2 The nature of the proposed Flight Club use, described above in Section 3.0, is essentially a darts-led leisure use with food and drink facilities for its customers.
- 5.3 The enhancement of the Flight Club use within these premises ensures the continued active use of the property for an appropriate town centre use that attracts significant pedestrian footfall which complements and supports the retail and leisure function of Cardiff city centre. The proposed enhancement of the existing use will directly assist in maintaining and strengthening the retail and leisure role of Cardiff city centre, by improving its attractiveness and helping to diversify its evening economy and leisure function; ensuring that this area remains vibrant, attractive and accessible to all throughout the day and evening.
- 5.4 The key aspirations of PPW are to ensure the delivery of sustainable development that improves social and economic well-being, creates attractive, sociable, active places, creating the conditions to bring people together, making them want to live, work and play in areas with a sense of place and well-being. Active and social places are those which promote social, economic, environmental and cultural well-being by providing well-connected cohesive communities. PPW seeks the diversification of retail and commercial centres, so that they can adapt to future retail trends and continue to meet the needs of their local communities, with sustainable access to employment, shopping, community and leisure facilities. PPW's goal is to capitalise on existing retail and commercial centres as hubs of social and economic activity as the focal point for a diverse range of services supporting the needs of local communities and their wider catchments. Vibrant and viable centres are distinguished by a diversity of activity and uses which contribute towards a centre's well-being and success.
- 5.5 The prime measure of the vitality of an urban centre is the number of people attracted to it at different times of the day and evening. The proposed extension of use of these premises as a leisure-led facility will ensure a continued active use of these premises and help continue to diversify the character and function of St Mary Street and the wider Cardiff city centre. The use attracts a large numbers of customers to the site and Cardiff city centre in general. These customers will increase their time spent on the site and will increase their dwell times within the city centre in general. It is evident that many customers will combine their visit to the proposed leisure facility with other trips into Cardiff city centre; whether for work, leisure or shopping purposes. The character and function of St Mary Street and the wider area of this part of Cardiff city centre is driven by a lively mix of uses, which include other leisure-orientated uses.

- 5.6 It is considered that the proposed enhanced leisure use of the application site would complement the role and function of the city centre and the wider area and would attract additional customers in the evening, helping to diversify the current leisure offer within St Mary Street and this part of Cardiff city centre in general and extend pedestrian activity times. The proposed extended leisure use of these premises would therefore directly support the diversification of the character and function of St Mary Street and the city centre in general and would provide an appropriate town centre use of these premises that would attract the public into the area.
- 5.7 It is therefore considered that the proposed extension of trading at Flight Club would support the character and function of Cardiff city centre, directly adding to the vitality, viability and diversity of the retail and leisure roles of St Mary Street and Cardiff city centre in general. The proposed leisure use would add vibrancy later into the night.
- 5.8 Policies KP10 and R8 of the LDP specifically identifies the Central Business Area as the most appropriate location for commercial leisure uses, whilst the Food, Drink and Leisure Uses SPG acknowledges the complementary and enhancing role that such uses have for the existing shopping role of centres, helping to increase footfall. The St Mary Street Conservation Area Appraisal also seeks the diversification of the food and drink characteristics of St Mary Street at night. All of these local planning policy aspirations are directly supported by the proposed extension to the Flight Club use. It is therefore considered that the aims and aspirations of PPW and the requirements of the key relevant Development Plan Policies KP5, KP10 and R8 of the Cardiff Local Development Plan, together with the guidance of the Food, Drink and Leisure Uses SPG, would be supported by the proposed extension to the existing use.
- 5.9 In terms of potential employment, the proposed extension of trading at Flight Club will enhance employment levels and economic activity at the site. This employment generation and economic activity would be a material benefit of the proposed use and staffing numbers would be higher than those employed by the existing use at these premises. PPW seeks sustainable economic growth and long-term economic well-being. It is therefore considered that the proposal is in compliance with the aims and aspirations of PPW and the relevant Development Plan Policy KP10 of the Cardiff Local Development Plan.
- 5.10 In terms of potential amenity impacts, there have been no known issues or incidents associated with the existing use since it began operations in 2022. The applicant's noise management and dispersal policies inform the operation of their licensed operation. The applicant is a responsible national operator that strives to work closely with the communities within which they operate. They recognise the importance of all staff using their best endeavours to manage noise both internally and externally and, at all times, working to promote the licensing objective of the prevention of public nuisance. The applicant's exit and dispersal policies set out the steps which should be taken at the end of each trading session to minimise the potential for disorder and disturbance as

customers leave the premises and includes measures to disperse customers over an extended period and ensure that customers leave the venue in an orderly fashion.

- 5.11 A detailed Operational Management Plan has been adopted at this site and sets out the specific site management measures at the site. All of the detailed elements of the management and operation of the proposed Flight Club use are controlled by Cardiff Council through the licensing legislation, so there is no need for the planning system to attempt to replicate these controls.
- 5.12 Due to the nature of the use and the management regime of the premises, the amenities of the local area and the local environment would not be materially or detrimentally affected by the proposed extended use. Indeed, the proposal would enhance an alternative, well-managed, commercial leisure use that provides an alternative leisure facility offer within this part of Cardiff. The development of a wider range of evening and night-time activities that are attractive to all should be welcomed by the LPA.
- 5.13 In terms of potential amenity impacts, the proposed extended use is therefore considered to be in compliance with PPW and the requirements of the relevant Development Plan Policies KP5 and EN13 of the Cardiff Local Development Plan; together with the guidance of the Food, Drink and Leisure Uses SPG and the St Mary Street Conservation Area Appraisal.
- 5.14 The licensing regime will also be part of the suite of statutory control measures that will be exercised over the operation of the premises by Cardiff Council. The Licensing Authority will regulate activity at the site to ensure the prevention of public nuisance and anti-social behaviour. It is not anticipated that there would be any detrimental implications for the local area. However, the Environmental Protection legislation also affords local authorities considerable and wide-ranging powers to address any incidents of noise disturbance, not that this is in any way anticipated at the application site. PPW is clear that that planning system should not be used to secure objectives which are more appropriately achieved under other legislation.
- 5.15 The Licensing Authority also has a whole raft of potential actions to seek recourse and resolution of any issues raised, regardless of the planning situation. Through the Premises Licence controls, if planning permission is granted for the proposed additional opening hours, the Council will retain full control over the activities taking place at the application site. Powers under the Licensing Act enable a Premises Licence to be revoked, suspended or amended at any time; therefore, Cardiff Council, as Licensing Authority, has the power to cease the extended trading hours (indeed the use itself) at any time if unacceptable nuisance were to occur.
- 5.16 The Premises Licence is an ongoing regulatory tool. At any time, the licence can be made the subject of an application for review, as a result of which the conditions can be changed, or the licence revoked. It follows that licensing is a flexible and responsive regulatory tool and any sustained or serious objection can be tackled by way of a review of the licence. At all times, and regardless of any controls of the LPA, the Licensing Authority therefore has many methods of



recourse, if the operation of the application site failed to respect the amenities of the local area, including ultimately revoking the Premises Licence.

5.17 Both the Licensing Act and the Council's own Licensing Policy are material considerations in the determination of planning applications. There is no reason to consider that these controls cannot be effective at the application site.

5.18 On 8 February 2024 the Council granted a new premises licence for the exact same extension to hours of use (Ref: CCCP02330 – see Appendix 1). This is therefore a very material consideration to the current planning application, as amenity, noise and disturbance impacts have been fully assessed by the Council as Licensing Authority and it has been concluded that there is no reason to prevent the proposed hours of trading. There was no objection to the Premises Licence from EHO or The Police.

5.19 It is also appropriate to consider the numerous benefits to the proposal, including the following positive consequences:

- benefits to the vitality and viability of the local area, through continued investment and economic drive;
- an increase in business activity; an increase in consumer expenditure and enhanced business turnover;
- retention of existing employment and the addition of new employment positions;
- enhancement of access to an existing local commercial leisure facility;
- increased consumer choice;
- a direct response to local demand for an enhanced opening hours of this existing commercial leisure facility;
- a response to the emergence of flexible lifestyles and living; and
- an increase to natural surveillance of the locality, resulting in reduced crime incidents and opportunities. In reality, the benefits of the proposed extended hours outweigh any perceived harm based upon supposition.

5.20 Furthermore, if deemed necessary, the applicant is comfortable with the LPA imposing a temporary planning permission for the proposed extended hours, to act as a 'trial period' to test the actual and genuine impacts and implications of the proposed extended hours on the ground and in reality. In terms of potential wider impacts on the general amenities of the local area, the grant of a 'trial period' would follow the advice of Planning Practice Guidance (Use of Planning

Conditions). This identifies that there may be circumstances where a temporary permission may be appropriate to act as a trial run, in order to assess the effect of proposed development on the local area. Following a successful trial period, there is a presumption in favour of the grant of a permanent permission.

- 5.21 This temporary consent period could therefore be used to allow the applicant to demonstrate on the ground and in reality that the management of the application site and the controls imposed by Cardiff Council as the Licensing Authority are sufficient to prevent demonstrable harm being caused to the general amenity of the local area.
- 5.22 It is suggested that an appropriate period for the trial period should be 12 months, but the applicant would accept a shorter time period, of, say, 6 months, if the LPA deemed this to be necessary. During any trial period, local residents (who might be affected by the proposal) would keep a close, watchful eye on the operations at the site and can provide objective feedback on the situation prior to any grant of permanent planning permission or, indeed, refusal of permission.
- 5.23 During the trial period, the strict controls imposed by the Licensing regime will ensure that there is no undue noise and disturbance from the proposed extended hours of use.
- 5.24 For all of the reasons rehearsed within this Planning Support Statement, the application proposal is considered to be in compliance with the aims and aspirations of PPW and the relevant Development Plan policies and supplementary guidance. It is therefore hoped that the application proposals will be supported by officers.

## 6.0 Summary

- 6.1 The extension to the Flight Club use ensures that the continued active use of this site for an appropriate town centre use that attracts pedestrian footfall which would complement and support the retail and leisure function of Cardiff city centre. The proposals will directly assist in maintaining and strengthening the retail and leisure role of Cardiff city centre, by improving its attractiveness and helping to diversify its evening economy and leisure function; ensuring that this area remains vibrant, attractive and accessible to all throughout the day and evening.
- 6.2 The proposed extension to this established leisure use would therefore directly support the diversification of the character and function of St Mary Street and the city centre in general and would provide an appropriate town centre use of these premises that would attract the public into the area.
- 6.3 The proposed extension to the existing use will enhance employment levels and economic activity at the site. This employment generation and economic activity would be a material benefit of the proposed use and staffing numbers would be higher than those employed by the existing use.
- 6.4 In terms of potential amenity impacts, noise management and respect for neighbours are key concerns for the applicant. Due to the nature of the use and the management regime of the premises, the amenities of the local area and the local environment would not be materially or detrimentally affected by the proposed extension to the use.
- 6.5 The licensing regime will also be part of the suite of statutory control measures that will be exercised over the operation of the extended operation at the premises by Cardiff Council. Environmental Protection legislation also affords local authorities considerable and wide-ranging powers to address any incidents of noise disturbance, not that this is in any way anticipated at the application site. PPW is clear that that planning system should not be used to secure objectives which are more appropriately achieved under other legislation.
- 6.6 The application proposals are considered to be in compliance with the aims and aspirations of PPW and the relevant Development Plan policies and supplementary guidance. It is therefore hoped that the application proposals will be approved without delay.

## 7.0 Heritage Statement

- 7.1 The application site comprises a locally listed building that lies within the St Mary Street Conservation Area. Neighbouring buildings surrounding the application site are statutory listed buildings.
- 7.2 The St Mary Street Conservation Area Appraisal was adopted in 2006. This document explains that although the area is mainly Victorian in age, its layout reflects the former Medieval street pattern, with narrow and irregular passages and traces of burgage plots (Section 2.2).
- 7.3 The St Mary Street Conservation Area Appraisal accepts that there is a high level of vacant floor space within the St. Mary Street Area. Re-investment in the area has taken place in more recent years and has resulted in the opening of many new establishments and the refurbishment and expansion of existing premises, particularly in the café, bar and club sector. The St. Mary Street area is almost certainly the most diverse within the City Centre and is heavily influenced by events at the Principality Stadium; the area also encompasses a large concentration of food and drink outlets that affect the area's character day and night. Generally, during the day time the area performs a shopping role, however, financial institutions tend to dominate, but during the night the area becomes more vibrant, transformed by cafes, bars, restaurants and take away establishments. The increasing number of food and drink and nightclub uses in the St. Mary Street area, is reducing the attractiveness and viability of the area for other uses and sometimes presents a threatening night-time economy. The balance and intensity of established land-uses is an important determinant of an area's essential character (Section 2.3).
- 7.4 The St Mary Street Conservation Area Appraisal outlines the diverse range of architectural styles within the conservation area. These styles include the Art Deco and the upper floors of the application building is cited as a good example of this architectural style within the area (Section 2.4).
- 7.5 The St Mary Street Conservation Area Appraisal's analysis of strengths and opportunities include, as a weakness, the proliferation of A3 uses; night time perception of crime and violence; daytime blank frontages; litter problems. A further identified weakness is upper floor vacant units, which can have a negative impact on the maintenance of key historic buildings; along with the design integrity of some modern shopfront improvements, which undermine the street scene. One of the identified threats is the proliferation of A3 [bar/restaurant] uses, which could increase the perception of crime and fear, damaging the special character and distinctiveness of the Conservation Area (all Section 4.1).
- 7.6 The St Mary Street Conservation Area Appraisal's goals include: maintaining the coherence and character of the St. Mary Street Conservation Area; ensuring the protection of the status of the

Conservation Area, Listed Buildings and Locally Listed Buildings; ensuring that new developments are well integrated within the historic street scene and to secure an appropriate balance between shopping and other uses, in particular to control the increasing pressure for café/bar uses; and encouraging the better use of vacant upper floors of buildings within the Conservation Area (Section 5.1). The specific goals for the St Mary Street area are: to improve the quality of the pedestrian environment, redressing the balance between pedestrians and traffic; to secure an appropriate balance between retail A1 (shops) and other uses; and to improve the commercial viability of the area and tackle the problem of high vacancy (Section 5.2).

- 7.7 The adjoining properties at Nos. 1 and 2 St Mary Street are grade II listed buildings, first designated on 19/05/1975. The CADW list entry for these buildings reads as follows:

*Originates from early C18; much altered and restored. Two shops. Two storeys plus attic; stuccoed, slate roof. Five windows to St Mary Street, 5 to R return. First floor windows have pediments on brackets and shallow architraves, 12-pane sash glazing. Three hipped dormers to each elevation, small-pane casement glazing. On ground floor, modern shopfronts, entrance to No 1 in corner. Included despite successive alterations and restorations as almost the last survivor of C18 Cardiff.*

- 7.8 The adjoining properties at Nos. 5 to 7 St Mary Street are also grade II listed buildings, first designated on 30/04/1999. The CADW list entry for these buildings reads as follows:

*Dated 1886. Architect J P Jones; built for Solomon Andrews. The market building of 1835 by Edward Haycock had been redeveloped by Andrews and Jones in 1884, only to burn down in June 1885; Andrews fainted at the sight. The rebuilt Market Buildings includes fireproofing measures by Messrs Hancock and Rogers of Manchester, with concrete floors and flat concrete roof, allowing a rooftop promenade, and camera obscura. The phoenix over central arch symbolises rebirth of the building after the fire. Decorative stone carvings by E Sheppard of Bristol. Five and six storeys commercial block with ground floor shops. Yellow brick with extensive bathstone dressings with relief carving, and pink and grey granite shafts. Three sections articulated by giant Corinthian pilasters (surmounted by urns to sides). Central section of 4 windows, flanked by giant Corinthian pilasters has attic with 4 round-arched windows; pediment to centre; two-storey arch to market entrance with phoenix; bow windows with colonettes; balustrade to 4th floor. Flanking blocks have dormers behind pierced iron screen, 2 groups of 3 windows to 3rd and 4th floors, those on 3rd floor with alternating segmental and triangular pediments, and granite shafts, below this, band of 7 round arched windows (pink granite shafts), over band of 7 square-headed windows (grey granite square shafts). On ground floor, modern shopfronts, also to returns into arch where first floor has 3 bays, each with tripartite window. One of most ambitious commercial frontages of mid-Victorian Cardiff, by its most ambitious entrepreneur.*

- 7.9 The building opposite the application site at No. 117 St Mary Street is also a grade II listed building, first listed on 26/03/1976. The CADW list entry for this building reads as follows:

*Built 1857; by Thomas Lysaght, architect. Additional entrance bay to N, 1978 by Holder & Mathias, architects. Bank. Painted C16 style Italianate palazzo facade. Three storeys, five windows; sash glazing to upper floors. Rusticated quoining and ground storey. Bracketed crowning cornice. Segmental headed windows with keystones to second floor. Segmental headed windows with keystones to second floor. Bracketed pediments to first floor windows. Dentil cornice over ground floor. Five arches to ground floor (former entrance door at north end); river god keystones to rusticated arches. To R, (N), modern entrance bay, concrete and plate glass. One of earliest and most impressive of Cardiff's Victorian banks. Group value.*

- 7.10 The buildings opposite the application site at Nos. 114-115 St Mary Street are also grade II listed buildings, first listed on 30/04/1999. The CADW list entry for these buildings reads:

*Built 1915 on site of Cardiff's Victorian town hall. Built for Co-operative Wholesale Society in a style derived from Edwardian buildings in Regent Street, London. Large Portland Stone faced commercial building in classicising style with French Details. Enriched with cartouches, garlands, relief window aprons etc. Six storeys including attic; square clock tower; on grey plinth of Forest of Dean stone. St Mary Street frontage of 11 bays. Seven bays of tripartite "Chicago" windows, but paired windows to advanced 2nd and 10th bays, and single windows to narrow end bays. Balustraded parapet, central window, stepped up. Top storey has cornices over windows. Central bay advanced with open pediment, entrance portal (grey stone) with in antis treatment. Channelled ground and first floors. To Guildhall Place, 3 bays as front (including attic), then shallow splayed bay with broad segmentally-arched doorway; two bays without attic plus slightly advanced 1-window bay. Large early C20 commercial development on important corner site. Group value.*

- 7.11 This planning application the proposed use of these premises as a leisure use with associated restaurant and bar facilities, together with the provision of a replacement shopfront. A separate advertisement consent application will be subsequently submitted for the proposed signage. The proposed shopfront is to replace the existing modern shopfronts on the application premises. This has been designed to complement the character and appearance of both the host building and the local street scene within which it is to be placed. It would replace the two modern shopfronts on the host building, which do not share any unity in design. The proposed replacement shopfront is fully detailed within the accompanying application drawings.

- 7.12 The introduction of the proposed Flight Club facility within these premises would ensure their active use for an appropriate town centre use that would attract pedestrian footfall which would complement and support the retail and leisure function of Cardiff city centre. Allowing this proposed use of this site would prevent it becoming vacant and unused and would ensure that the site remain in active use that would attract pedestrian footfall. The proposals will directly assist in

maintaining and strengthening the retail and leisure role of the city centre, by improving its attractiveness and helping to diversify its evening economy and leisure function; ensuring that this area remains vibrant, attractive and accessible to all throughout the day and evening. It is therefore considered that the proposed Flight Club use would support the character and function of this part of the city centre and the wider designated conservation area.

- 7.13 The proposed shopfront will replace the existing modern shopfronts with a single, unifying modern shopfront. This has been designed to complement the character and appearance of both the host building and the local street scene within which it is to be placed. The proposed shopfront would utilise traditional design elements and materials and would not result in any material detriment to the character and appearance of the host building and would visually unify and integrate the ground floor elevation of this building, which currently suffers from two very different shopfronts. The shopfront itself will be painted timber, with large sections of glazing to maintain inter-visibility between the interior and the exterior of the premises and ensure a fully active frontage.
- 7.14 The adjoining external customer seating area, which is included for clarity, but which does not require planning permission in itself, will greatly enhance the active nature of this frontage and will add further to this existing characteristic of the local street scene. Furthermore, this will enhance natural surveillance and security at and around the site, with both customers and staff in attendance. The proposed shopfront, together with the external customer seating area, will greatly enhance the visual character and appearance of these premises. The proposed shopfront would ensure an enhanced and lively, vibrant, open and active frontage at street level.
- 7.15 The implications of the proposed replacement shopfront on the character and appearance of the host locally listed building, the St Mary Street Conservation Area and the settings of neighbouring listed buildings are considered to be positive, in that no material detriment results to the character, appearance or settings of these heritage assets as a consequence of the application proposals. It is considered that the proposed replacement shopfront would not cause any significant nor material implications for the character and appearance of the host building, the wider conservation area, nor the settings of neighbouring listed buildings, given its siting, materials and design.
- 7.16 Overall, the character and appearance of the host locally listed building and the conservation area would be enhanced by the application proposals, whilst the settings of the neighbouring listed buildings would be respected; including through the introduction of appropriate pedestrian activity and vibrancy at the site and within the wider conservation area.
- 7.17 The application proposals are not considered to genuinely conflict with any of the heritage protection aspirations of PPW nor the relevant Development Plan Policies KP5, KP17 and EN9 of the Cardiff Local Development Plan; together with the relevant guidance of the St Mary Street Conservation Area Appraisal. For these reasons, it is considered that there are no reasonable nor

justified heritage asset implications raised by the application proposals that would reasonably justify a refusal of planning permission in this case.



# List of Appendices

1. Premises Licence CCCP02330 dated 08/02/2024

