

Protecting theatres
for **everyone**



Ref.: TC/362

4 April 2023

Katy Roberts
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CONWY
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By e-mail: katy.roberts@conwy.gov.uk

Application: 0/50609

Site: 3-8 Bay View road Colwyn Bay LL29 8DW

Proposal: Approval of matters required by condition 18 (Noise Assessment) & 20 (Building Recording and Analysis) of planning permission 0/48566 (Demolition of existing buildings and erection of a supported living affordable housing development (Use Class C3), access, parking, landscaping and communal courtyard, drainage infrastructure and associated development.)

Remit:

Theatres Trust is the National Advisory Body for Theatres and was established by The Theatres Trust Act 1976 'to promote the better protection of theatres'. The Trust is a statutory consultee in the planning system and local planning authorities in Wales are required to consult the Trust on planning applications for 'development involving any land on which there is a theatre', 'residential development within 50 metres of a theatre' as well as for proposed theatres. The definition of theatres within the Act defines a theatre as 'any building or part of a building constructed wholly or mainly for the public performance of plays', and therefore applies to theatres, playhouses, arts centres, ciné-varieties or buildings converted for theatre use, old and new, in other uses or disused.

Theatres Trust

22 Charing Cross Road, London WC2H 0QL

Telephone 020 7836 8591 **Email** info@theatrestrust.org.uk **Website** theatrestrust.org.uk **Twitter** @TheatresTrust

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Chair Dave Moutrey OBE

Director Jon Morgan

Trustees Paul Cartwright, James Dacre, Suba Das, Stephanie Hall, Annie Hampson, Richard Johnston, Gary Kemp, Lucy Osborne, Jane Spiers, Truda Spruyt, Katie Town

The National Advisory Public Body for Theatres. The Theatres Trust Charitable Fund co-operates with the Theatres Trust, has the same Trustees and is registered as a charity under number 274697

Comment:

Thank you for consulting Theatres Trust on this application to approve the discharge of condition 18 and 20 of permission reference 0/48566. These conditions required submission of a noise assessment and provision of mitigation measures prior to occupation, and building recording and analysis. We have been notified because the development site is directly adjacent to Theatr Colwyn.

As the development site is not a theatre, we make no comment on the applicant's compliance with condition 20.

With regards to condition 18 the applicant has provided a Noise Assessment report undertaken by their consultants, Enzygo. Paragraph 1.3.2 confirms this was undertaken during periods when performances were being held at the theatre, which is something we had requested in previous comments. These events consisted of an 'action movie' trailer to likely replicate the loudest noise generated by film showings, and a live music event by a Pink Floyd tribute act. These appear to be appropriate measures. The receptor location (MP1 as shown within the report) is also reasonable.

The report notes that noise from the performance was clearly audible, and noted other sources of disturbance such as closing doors and potentially late night removal of equipment. It has made recommendations as to façade treatments, however paragraph 2.2.2 suggests that addressing higher noise levels at source may be more practical than mitigation at receptors. This is repeated in paragraph 4.5.4.

The findings of this report justify the concerns that we raised in our original comments. Whilst works to the theatre may be an option in order to make development acceptable and meet the requirement of associated condition 17 and the second part of condition 18, the 'agent of change' principle (reflected in guidance set out in Planning Policy Wales 11 and the letter from the Chief Planner of 26 May 2017) is clear that this must be met entirely by the applicant and that the theatre should not be disadvantaged or have new restrictions placed on it. Such works would also sit outside of this planning permission and potentially require their own consent, although conditions 17 and 18 appears flexible enough to cover mitigations both to the consented development and to the theatre.

The Noise Assessment itself appears to utilise a reasonable methodology and has set out recommendations for addressing the impacts of noise from the theatre. Therefore we could support partial approval of condition 18.

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Please contact us if we may be of further assistance or should you wish to discuss this representation in greater detail.

A handwritten signature in black ink that reads "T Clarke". The signature is written in a cursive, slightly slanted style.

Tom Clarke MRTPI
National Planning Adviser

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