



**RHONDDA CYNON TAF**

**PLANNING & DEVELOPMENT COMMITTEE**

**16 JULY 2020**

**REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT**

**PURPOSE OF THE REPORT**

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 18/0880/12 (BJW)  
**APPLICANT:** Mr R Higgitt  
**DEVELOPMENT:** Change of use of first and second floors of property from former snooker hall (Class D2) to 22 no. self-contained residential student flats (Sui Generis) and associated works (Amended description received 03/10/2016) (Listed Building Consent). (Amended Heritage Impact Assessment Received 12/07/2019)  
**LOCATION:** 1 FOTHERGILL STREET, TREForest,  
PONTYPRIDD, CF37 1SG  
**DATE REGISTERED:** 03/10/2018  
**ELECTORAL DIVISION:** Treforest

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**RECOMMENDATION:** Approve, subject to conditions and to a favourable referral to Cadw.

**REASONS:** The application proposes the productive use of a currently under-used building to provide student accommodation within the area through the re-use of the upper floors.

The use of the upper floors will be achieved through internal alterations, including a mezzanine floor as well as external alterations, including the installation of dormers, the resizing of upper floor windows and the installation of a modern extension to house a management office and roof plant for the proposal.

The internal alterations, while regrettable, represent the best opportunity to bring this perennially disused and semi-derelict part of the building into productive use and for this reason it is considered that the alterations are, on-balance, acceptable, subject to conditions.

The use of this part of the property would be a sympathetic use of the upper floors of the building, which would retain its commercial uses at ground floor level. The proposal would also comply with the requirements of the Council's

## **Supplementary Planning Guidance (SPG) for the conversion of larger buildings for residential purposes.**

**The comments of the two responding historical societies are acknowledged. However, following an updating of the supporting details for the application to a Heritage Impact Assessment (HIA) on which the respondents have been re-consulted, no further comments have been offered. This is despite the additional details addressing the concerns that have been raised and offering comments and justification for the approach proposed.**

**The proposed development is therefore considered to comply with the relevant local and national planning policies in respect of the impact on the special architectural and historic merit of the Listed Building and the character and appearance of the Castle Square Conservation Area.**

**Consequently, it is considered that the proposal for the conversion of the upper floors of the building would, on balance, be justified in this instance and a recommendation to approve the application, subject to conditions, is offered.**

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### **REASON APPLICATION REPORTED TO COMMITTEE**

The application for planning permission (18/0886/10) which this application accompanies is being reported to Committee as the planning proposal is not covered by determination powers delegated to the Service Director of Prosperity and Development. Consequently, as it is considered good practice to consider both applications at the same time, it is also considered prudent to report the Listed Building Consent element of the proposal to Members of the Planning and Development Committee.

### **APPLICATION DETAILS**

Listed Building Consent is sought for the conversion of the first and second floors of the property from a former snooker hall (Class D2) to 22 no. self-contained residential student flats (Sui Generis). The details are the same as presented with the accompanying application for full planning permission (reference no 18/0886/10) and are included below for completeness.

The conversion would result in 22 no. self-contained studio flats, 11 no. at first floor level and 11 no. at second floor level. A small management office would also be located at second floor level and a bike store created at ground floor level beneath the access stairwell. Each unit would comprise a bedroom / living / kitchen area and separate en-suite bathroom, and would be occupied by 1 no. student.

The conversion would be facilitated mainly through internal alterations, however a number of external works are also proposed:

- Each of the existing windows at first floor level on both the properties front (eastern) and rear (western) facing elevations would be replaced with larger openings to suit the residential nature of the proposed use. A further new window opening would also be installed on the properties front elevation at first floor level to serve one of the proposed units. All new windows would be of grey uPVC.
- 6 no. dormer roof extensions would be installed to both the front and rear elevations to serve the new units. A single roof light would also be installed to the front to provide light to the main access stairwell. All new windows would be of grey uPVC.
- A modern grey standing seam extension would be sited above the existing terracotta entrance block to allow access to the second floor and to provide space for the management office. Grey uPVC windows would be located throughout.
- The external elevations would be subject of general refurbishment works including new through colour render throughout the main body of the building; replacement of slate roof tiles where required; and tidying up of the terracotta entrance façade.

The existing access off Fothergill Street (front) would be utilised as the facilities main entrance. A secondary access would be sited to the rear off Bridge Street where a communal refuse/recycling bin store area would be located.

As the building encompasses the whole plot there is currently no off-street parking at the property and none is proposed. However, as noted above, a secure cycle store would be provided within the building at ground floor level.

The following additional details are directly relevant to the planning application for the site and are included below for completeness.

The applicant has detailed that the units would be occupied solely by students attending the nearby University of South Wales (Treforest Campus) and that they would not be occupied as private rentals on the open housing market at any time. This is clarified by the description of the development, i.e. 'self-contained residential student flats' within the Sui Generis planning use class, rather than 'private residential units' that would fall within planning use class C3.

To ensure the facility is well maintained and occupants are respectful of the existing community, the applicant has submitted a management scheme with the application which comprises:

- 24 hour secure entry systems;
- 24 hour helpline for occupants to assist with any management or maintenance issues;
- Management programme of the cycle store and refuse/recycling areas;
- A programme of planning and reactive maintenance, supported by the 24 hour helpline, with high risk issues being dealt with as an emergency;

- Inspections of all student rooms at periodic intervals;
- Regular cleaning and landscaping of external areas;
- All necessary health and safety precautions;
- A condition of the tenancy that any occupiers cannot keep cars;
- Welcome pack and introductions.

The applicant has detailed that the existing halls of residence within the nearby University of South Wales (Treforest Campus) are only able to accommodate 1200 students and that they are at capacity (Members are advised however that no confirmation of this fact has been provided from the University in support of the application). Consequently, other than a small number of private off-campus halls of residence within the Treforest/Pontypridd area, the primary option for students unable to gain accommodation on-campus is through the use of former residential properties in the town that are now occupied as Houses of Multiple Occupation (HMO), which has caused well-documented local tensions. As such the applicant contends that the introduction of additional purpose built student accommodation at this property would go some way to alleviating both the capacity issues at the university and the overconcentration of HMOs in Treforest.

The property is Grade II Listed for both its internal and external architectural interest. As such this application forms the Listed Building Consent in support of the associated full planning application ref. 18/0886/10 which considers the wider impacts of the scheme.

The application is accompanied by a Heritage Impact Assessment (HIA) in support of the proposal, following a request to update the submitted Design, Access and Heritage Statement to comply with current legislation.

## **SITE APPRAISAL**

The application property is a large and prominent commercial unit located at the junction of Fothergill Street and Bridge Street, Treforest. It is sited within a corner plot and occupies the whole site. As such the building is triangular in shape, widening from south to north and has no off-street parking provision. The site is also located within the Castle Square Conservation Area and is immediately adjacent to another Listed Building, Libanus Welsh Baptist Church, which is located to the north-west.

The property is three storeys in nature with the ground floor occupied by 4 no. retail units and a separate, self-contained access stairway to the upper floors. The access stairway is enclosed within a decorative, free classical style terracotta façade at the southern end of the building.

The retail units occupy the remainder of the ground floor each having modern glazed shopfronts on to Fothergill Street. Both the first and second floors were last lawfully occupied as a snooker hall, but at the time of the officer site visit were in use as a storage facility for an off-site antique dealership.

Full details of the listing, reference no. 24914, are included below:

### **Location**

At the southern end of Fothergill Street, at its junction with Bridge Street.

### **History**

Built in 1913 (date on building) as the Cecil Cinema, which closed in 1980. From 1975-80 it was also partly a bingo hall. It was converted to a snooker club in 1981, which involved levelling the original raked floor in the main auditorium and inserting a suspended ceiling below the original ceiling, which has survived.

### **Exterior**

An early cinema with a free classical style entrance wing in terracotta and a taller and longer main range behind. The building occupies a corner site and so the entrance wing is triangular in plan, while the main range follows the line of Bridge Street on the rear (western) side. The eastern side has a single-window facet over no. 2 Fothergill Street and then a 5-window facet at an angle and set back behind nos. 3-5 Fothergill Street. The entrance wing has a roof concealed behind a parapet. The eastern elevation facing Fothergill Street has 2 segmental-headed doorways with keystones, of which the left hand side is blind and the right hand side has recessed double panelled doors. To the right is a single narrow window under a keystone, boarded up at the time of inspection. In the upper storey is a large recessed panel rendered white, within which are 2 oculi with keystones and large festoons, in which are pivoting small-pane windows. The outer sides have blank tablets with foliage drops. A moulded cornice is below the parapet and continues around the southern and western walls. The narrow southern end wall has an infilled upper storey window, formerly lighting the stair, with keystone and festoon. The western elevation facing Bridge Street is similar to the eastern, but has 3 small infilled windows with keystones at low level. Between the 2 oculi is a dated rainwater head. The main range has roughcast walls and slate roof with a single ridge ventilator. In the southern gable end, above the entrance wing, is a blind keyed oculus in terracotta surround. Facing Fothergill Street are 4-light mullioned and transomed windows. The 6-window Bridge Street (western) elevation has windows boarded up and an inserted escape door in the left hand side window. The northern gable end has a low projection with mono-pitch roof.

### **Interior**

The entrance vestibule has a rich plaster ceiling with classical detail. The stair is in 2 flights and is V-shaped, with moulded wooden hand rail and steel balusters. The main auditorium has modern fittings concealing original detail. At the time of inspection the original segmental plaster vault was partly visible and has classical detail.

## **Listed**

Listed for architectural interest as a pre-1914 cinema, an extremely rare survival in South Wales.

The site is located at the heart of the town's commercial centre and is therefore surrounded primarily by various commercial uses. It is noted however that a terraced row of residential dwellings is located directly to the rear (west).

## **PLANNING HISTORY**

No previous planning applications have been submitted at this unit other than the current, associated planning application also before Members (ref. 18/0886/10).

Members are advised however that the 4 no. retail units at ground floor level have each been subject to numerous planning applications in the past, none of which are considered relevant to this case.

## **PUBLICITY**

The application has been advertised by means of direct neighbour notification, site notices and a press notice. While two letters of objection have been received from members of the public and 1 no. from the local Member, in respect of the full planning application, no responses have been received to this application for Listed Building Consent.

## **CONSULTATION**

The following groups were consulted and have offered no comments: The Royal Commission for Ancient and Historical Monuments in Wales; The society for the Protection of Ancient Buildings; The Twentieth Century Society and The Council for British Archaeology Wales/Cymru.

Georgian Group – no comments, defer to the Victorian Society.

Ancient Monuments Society (AMS) – The applicant's Design and Access Statement makes brief reference to Cadw's list description and states that it was 'noted in the 2001 listing that some segmental plaster detail ceiling was partially visible, however there are no such features now visible.' The list description explains that a suspended ceiling was inserted in 1981 and that the original ceiling has survived below it. Is this still in place and, if not, was it removed unlawfully?

Further information on the building's historic interior is given in the list description: 'The entrance vestibule has a rich plaster ceiling with classical detail. The stair is in 2 flights and is V-shaped, with moulded wooden hand rail and steel balusters. The main auditorium has modern fittings concealing original detail. At the time of inspection the original segmental plaster vault was partly visible and has classical detail.'

Cadw describes the building as an 'extremely rare survival in South Wales' but no detailed information about the architectural and historic interest of the Listed Building has been given by the applicant. We believe that a Heritage Statement is required to allow for a proper assessment of the case.

For the reasons given above, we object to the application as it currently stands. We would be happy to be consulted again, should the necessary information be made available.

Victorian Society (VS) - As this site was originally constructed as an early (pre-1914) cinema, it has been cited as an 'extremely rare survival in South Wales' by Cadw in their listing report.

The interior of the site is not mentioned at all in the Design, Access and Heritage Statement available on the Council's website, despite Cadw citing in their report of 2001 that the entrance vestibule had, 'a rich plaster ceiling with classical detail'.

The Design, Access and Heritage Statement claims, 'there are no such features now visible' but fails to evidence this claim with photographs. As the Ancient Monuments Society mentioned in their response to this consultation, is this ceiling still in place? The only photographs included in the Design, Access and Heritage Statement show the exterior of the site.

In order for the impact of the proposals on the significance of the Grade II Listed former cinema and its setting to be fully understood, it is essential that the Design, Access and Heritage Statement be extended to include a comprehensive assessment of the interior of the building and any surviving historic fabric.

We would respectfully remind you of your duty to ensure that any planning applications and/or change of use with the potential of impacting on the significance of a Listed Building be accompanied by a comprehensive heritage statement.

At present, the above proposal does not satisfy this requirement. As such we concur with our colleagues at the Ancient Monuments Society in objecting to these proposals in their current form.

## **POLICY CONTEXT**

### **Rhondda Cynon Taf Local Development Plan**

The application site is a Grade II Listed Building, located within the settlement boundary for Treforest, the Castle Square, Treforest Conservation Area and the Treforest Local and Neighbourhood Centre.

**olicy CS2** – sets out the criteria for development in the Southern Strategy Area.

**Policy AW1** – sets out the criteria for new housing proposals within the Country Borough.

**Policy AW2** – supports development in sustainable locations and includes sites that are accessible by a range of sustainable transport modes and would not unacceptably conflict with surrounding uses.

**Policy AW4** – details the criteria for planning obligations including the Community Infrastructure Levy (CIL).

**Policy AW5** – sets out criteria for new development in relation to amenity and accessibility.

**Policy AW6** – requires development to involve a high quality design and to make a positive contribution to place making, including landscaping.

**Policy AW7** – identifies that proposals which impact upon sites of architectural or historic merit will only be permitted where it can be demonstrated that the proposal would preserve or enhance the character of the area.

**Policy AW8** – sets out the criteria for the protection and enhancement of the natural environment.

**Policy AW10** – does not permit proposals where they would cause or result in a risk of unacceptable harm to health and/or local amenity.

**Policy SSA13** – sets out the criteria for the consideration of housing development proposals within settlement boundaries in the Southern Strategy Area.

**Policy SSA16** – identifies the retail hierarchy for the Southern Strategy Area with Treforest being classed as a Local and Neighbourhood Centre.

### **Supplementary Planning Guidance**

- Design and Placemaking;
- The Historic Built Environment;
- Design in Town Centres;
- Nature Conservation;
- Access, Circulation and Parking;
- Development of Flats.

### **National Guidance**

In the determination of planning applications regard should also be given to the requirements of national planning policy which are not duplicated in the Local



Development Plan, particularly where national planning policy provides a more up to date and comprehensive policy on certain topics.

Welsh Government published Planning Policy Wales (Edition 10) on 5<sup>th</sup> December 2018. The document aims to incorporate the objectives of the Well-being of Future Generations (Wales) Act into town and country planning and sets out the Welsh Government's policy on planning issues relevant to the determination of planning applications.

It is considered that this proposal meets the seven goals set out within the Well-being of Future Generations (Wales) Act and the site has been brought forward in a manner consistent with the Acts five ways of working. Furthermore, it is also considered that the proposed development is consistent with the key principles set out in Chapter 2 (People and Places: Achieving Well-being Through Placemaking); Chapter 3 (Strategic and Spatial Choices); Chapter 4 (Active and Social Places); Chapter 5 (Productive and Enterprising Places); and Chapter 6 (Distinctive and Natural Places) of Planning Policy Wales (Edition 10).

Other relevant policy guidance consulted:

**Planning Policy Wales Technical Advice Note 12 Design.**

Sets out the objectives of good design and aims to encourage good design in all aspects of development.

**Technical Advice Note (TAN) 24: The Historic Environment (2017)**

Provides guidance on how the planning system should consider the historic environment during development plan preparation and decision making on planning and Listed Building applications.

The above chapters and Technical Advice Notes set out the Welsh Government's policy on planning issues relevant to the determination of this planning application.

**REASONS FOR REACHING THE RECOMMENDATION**

Section 16(2) Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant Listed Building Consent for any works the Local Planning Authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

**Main Issue:**

**Acceptability of the proposed development on the special architectural and historic merit of the building.**

The property represents a prominent historic building within a Conservation Area, immediately adjacent to another Conservation Area (Old Park Terrace) and another Listed Building, Libanus Welsh Baptist Church.

The building, while both prominent and distinctive, has been the subject of many modern alterations, particularly on the ground floor where there are several commercial properties. What remains of its original use, as a cinema, has also been eroded as its last substantive use as snooker/pool hall and bar.

The result is such that much of the internal detailing and features of the property have either been removed entirely or have been damaged by the installation of modern interventions such as partitions or suspended ceilings.

Consequently, while remnants of the historic plaster ceiling remain within the property, they are extensively damaged by both the accumulation of tobacco smoke and the drilled fixings of the suspended ceiling that obscures them from view.

It is clear that the ceilings would be completely lost should the application proceed in its current form. This could be wholly reduced with a lesser number of flats within the property, however this could render the scheme financially unviable leading to a further period of disuse and likely decline in the condition of the building. Where this is not strictly a consideration for Listed Building Consent, where "Heritage Deficit" (the existing value of the asset plus the cost of bringing it back into productive use is greater than the value upon completion) it does have clear implications for the current scheme in wider planning and regeneration terms.

While the loss of any interior detail is regrettable, it is considered that in this case the poor condition of the historic fabric present is such that this loss, to facilitate the re-use of the building would be, on balance, acceptable. This is supported by the Heritage Impact Assessment and the case officer's own observations at the site.

With regard to the external alterations proposed, it is considered that the replacement windows and dormer are all on the part of the building that has less architectural and historic importance than the end terracotta façade. That accepted, the use of uPVC is still considered to be too strident and it is recommended that a condition be imposed to substitute this for painted timber or powder coated aluminium double glazed units should Members be minded to approve the application.

In terms of the manager's office which would be formed through a new, contemporary structure at roof level immediately above the main feature of the property, the terracotta façade, it is considered that this would represent a minor and wholly modern addition that would be of a modest scale and design that would sit comfortably with the historic elements of the building.

This building, like many historic properties within RCT, suffers from its inability to adapt to alternative uses, particularly commercial uses, given its location, dimensions and historic restrictions. The building has seen a lack of investment, maintenance and interest required to secure a viable future which has seen its condition decline over a sustained period. While the current owner has some responsibility, it is an accumulation of all the preceding owners that have led to the deterioration of the property to its current state.

It is for these reasons that it is considered prudent to accept what is not an ideal scheme, but is likely the best scheme for the future longevity of the building in the medium to long term.

### **Impact on the visual quality of the Castle Square Conservation Area**

The property is located within the Castle Square, Treforest Conservation Area and is immediately adjacent to the Old Park Terrace Conservation Area and in close proximity to several other listed structures. Consequently, it is clear that the wider area is one of acknowledged historic, architectural and townscape quality.

While the proposal makes use of modern architectural features, it is considered that these would sit comfortably within their setting and would not only improve and enhance the building itself, but also the wider area.

### **Conclusion**

The loss of features to any Listed Building is always regrettable and should be a last resort of any decision to grant Listed Building Consent. However, in this case it is considered that the property has already lost many of its internal features and those that remain are either already hidden or damaged beyond feasible repair. Therefore the loss of those remaining would be an unfortunate but acceptable compromise in order to secure a long-term future use for the property whilst also preserving the majority of the external façade.

In terms of the external alterations, subject to conditions in terms of suitable materials and others for the satisfactory recording of the property, it is considered that the proposal would, on balance, be acceptable.

**RECOMMENDATION:** Approve, subject to conditions and favourable referral to Cadw.

### **RECOMMENDATION: Grant**

1. The development hereby granted consent shall be begun not later than the expiration of five years beginning with the date of this consent.

Reason: To comply with Section 18 of the Planning (Listed Buildings and Conservation Area) Act 1990.

2. The development hereby approved shall be carried out in accordance with the approved plans ref:

- 3158 P001 – Site Location
- 3158 P004 – Ground and 1<sup>st</sup> Floor Plans - Proposed
- 3158 P005 – 2<sup>nd</sup> Floor and Roof Plans – Proposed
- 3158 P007 – Elevations and Section – Proposed

and documents received by the Local Planning Authority on 03/08/18, 04/10/18 and 22/10/18, unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

Reason: To ensure compliance with the approved plans and documents and to clearly define the scope of the permission.

3. Building operations shall not be commenced until samples of the materials proposed to be used have been submitted to and approved in writing by the Local Planning Authority and all materials used shall conform to the sample(s) so approved.

Reason: To ensure that the external appearance of the proposed development will be in keeping with the character of the area and adjoining buildings in the interests of visual amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

4. Notwithstanding the approved details, no development shall commence on site until sample materials of the replacement windows and proposed dormers have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details thereafter.

Reason: To ensure that the appearance of the proposed works will be in-keeping with the special architectural and historic character of the Listed Building, in accordance with Policy AW7 of the Rhondda Cynon Taf Local Development Plan.

5. Notwithstanding the approved details, no development shall commence on site until the design and details of the following have been submitted to and approved in writing by the Local Planning Authority:

- window repairs and replacements;
- rainwater goods;

- soffits and fascias;
- stone and bricks.

The works shall be carried out in accordance with the approved details thereafter.

Reason: To ensure that the appearance of the proposed works will be in-keeping with the special architectural and historic character of the Listed Building, in accordance with Policy AW7 of the Rhondda Cynon Taf Local Development Plan.

6. No works shall commence on site until copies of plans and/or a photographic record of Mr Snooker's Club (formerly Cecil Cinema – 1 Fothergill Street) have been deposited by the applicant in the Royal Commissions archive and confirmation has been submitted to and approved in writing by the Local Planning Authority.

Reason: To retain a record of the building to accord with para. 6.5.17 Chapter 6 of Planning Policy Wales

7. All disturbed fabric shall be made good to match the existing building.

Reason: To ensure that the appearance of the proposed works will be in-keeping with the special architectural and historic character of the Listed Building, in accordance with Policy AW7 of the Rhondda Cynon Taf Local Development Plan.