

## **PLANNING & DEVELOPMENT COMMITTEE**

**9 March 2023**

### **REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT**

#### **PURPOSE OF THE REPORT**

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 22/0313/10 (GH)  
**APPLICANT:** Savoy Theatre (Tonyrefail) LTD  
**DEVELOPMENT:** Retention of small dressing room block and the addition of an extension to its front, and retention of a wooden shed in side yard. Proposed installation of a gate to a side alley; three removable bollards to front driveway; a 4 inch high disabled ramp with handrail to the side. Repair and restoration of the Grade II listed facade.  
**LOCATION:** SAVOY BINGO HALL, COLLENA ROAD, TONYREFAIL  
**DATE REGISTERED:** 13/05/2022  
**ELECTORAL DIVISION:** Tonyrefail East

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**RECOMMENDATION:** GRANT SUBJECT TO THE CONDITIONS BELOW:

**REASONS:** The application site is located close to Tonyrefail town centre and retail zone and occupies a sustainable location within the settlement boundary.

It is considered that the siting, scale and design of the proposed development is acceptable. Not only would the additional accommodation help support the practical operation of the Theatre and help secure its viability for this purpose, but the proposed refurbishment of the façade would be greatly beneficial to the street scene.

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#### **APPLICATION DETAILS**

Full planning consent is sought, partly in retrospect, to undertake a range of works to the Savoy Bingo Hall.

Material planning matters relating to the Grade II listed status of the building are considered as part of the concurrent Listed Building Consent application (22/0314/12).

The building has been operating as a theatre since 2015, having been converted to this purpose following a long period as a bingo hall. Prior to that the site accommodated a cinema.

The proposed works can be summarised as follows:

- retain and extend a single storey dressing room block and its covered connection to the southern side elevation of the theatre

- retain a small timber shed for tool storage and workshop purposes
- construction of a 10cm high disabled ramp and handrail to the existing double fire doors within the southern side elevation, which can also be used for loading access
- installation of three removable bollards at the front of the yard to prevent unauthorised access and to maintain a clear fire escape route
- installation of a gate to the side alley leading to School Street
- repairs and renovation of the front façade of the building and reinstatement of windows to basement, installation of fascia for sign, lights to sign and lights to either side of the main entrance
- the replacement of the asbestos pitched roof over the existing garage with a flat roof to form part of that connecting to and enclosing the dressing room block

In addition to the plans and elevation drawings accompanying the application, the following supporting documents have been submitted:

- Design and Access Statement
- Heritage Impact Statement
- Supporting Background Statement

## **SITE APPRAISAL**

The application site comprises land adjacent to and within the curtilage of the Grade II listed Savoy Bingo Hall which is located on the junction of Collenna Road and School Street, Tonyrefail.

The building was listed in 2000 for its architectural and historic interest as an exceptionally rare example of an early cinema, with a particularly strong and prominent facade. The building dates from 1914 and was converted to a bingo hall in 1983. As the description of the development notes, the building was converted to a theatre following the grant of full planning permission and listed building consent for this purpose in 2013.

The listing details note that the building is listed primarily for its front elevation, which is the gable-end facade, designed in free classical style with elaborate terracotta detailing. The 3-bay facade is set at an angle to the main hall/auditorium, respecting the road layout, and slopes down from north to south, following the topography of the site. Large square pilasters constructed of ashlar divide and flank the bays; between the pilasters the bays are rendered and whitened.

The facade is built upon a plinth of rusticated dressed stone, which is higher at the down slope end. The central bay is the widest and has a moulded round arched head and a moulded stringcourse at first floor level. The upper storey has a central, flat-headed window with moulded sill, flanked by smaller narrower windows. Beneath the stringcourse are two 2-light windows with moulded sills. The recessed entrance to the front elevation is located to the left hand side of the facade.

Conversely, the side and rear elevations have a rendered finish, with access doors and escape stairs being located on the southern elevation. To the south of the building is an irregular parcel of land measuring approximately 210m<sup>2</sup>. This currently

accommodates the detached garage, dressing room block and timber shed included within the scope of the application. The remainder of the space is utilised as a parking/delivery area, accessed via Collenna Road.

There are a variety of differing uses within the vicinity of the site, to the north, the area is residential in character, with a number of dwellings being located along Collenna Road and School Street. To the south, the site is bounded by the rear of properties sited along High Street, which is the main commercial street through the town. To the rear (east), the site is bounded by 'Capel Y Ton', which is also listed, but has suffered significant fire damage.

## **PLANNING HISTORY**

The most recent or relevant applications on record associated with this site are:

- 22/0314/12:** Retention of small dressing room block and the addition of an extension to its front, and retention of a wooden shed in side yard. Proposed installation of a gate to a side alley; three removable bollards to front driveway; a 4 inch high disabled ramp with handrail to the side. Repair and restoration of the Grade II listed facade. (Application for Listed Building Consent). Decision: TBC
- 12/1228/10:** To convert former cinema/bingo hall for use as a community theatre/performing arts centre, and to incorporate a one bedroom dwelling for use by owners as live-in guardians. Decision: 10/05/2013, Granted.
- 12/1214/12:** Change of use from a former bingo hall into a community theatre/arts centre, to include a one-bedroom dwelling for use by the owners as live-in guardians - Listed Building application. Decision: 06/06/2013, Granted.
- 09/0399/12:** Conversion from Bingo Hall to 8 No. (2 bed) residential units with associated parking. Repairs and maintenance to front facade of building. Decision: 22/12/2010, Granted.
- 09/0395/10:** Conversion from Bingo Hall to 8 No. (2 bed) residential units with associated parking. Decision: 06/09/2010, Granted.
- 08/0295/13:** Erection of one detached dwelling. Decision: 16/01/2009, Refused.

## **PUBLICITY**

The application has been advertised by direct notification to fourteen neighbouring properties and notices were displayed on site.

Eight letters of support and six letters of objection have been received in respect of both applications. The following comments have been raised:

*Objections*

- Whenever there are events, it causes a complete safety hazard to all the residents and homes of School Street. For the weeks leading up to and on event days the Theatre's patrons park negligently in the street, blocking access for residents, emergency services and deliveries. Unless there are marked residents parking outside of homes; double yellow lines opposite homes and sufficient designated parking for Savoy patrons, people's lives are put at risk and house values, privacy and quality of life is affected.
- The shed is built on the access lane taking up the turning heads of the lane and blocking one of the access points to the rear of number 3 High Street.
- The safety of members of the public, children walking to school and other motorists are being severely jeopardised on Collenna Road by the Applicant's actions. Vehicles are reversing out over the public footpath into oncoming traffic as the turning heads are blocked on the lane. The safety of the habitants of all surrounding properties is also at risk as emergency services cannot enter the access lane, the businesses are at risk due to the utility providers not being able to adequately access their equipment.
- There is no application for change of use on the old garage. The Applicant is taking the only parking space for the Savoy Theatre, the 3 shown on plan are not adequate, there's no planning permission, cars are parked on the access lane causing terrible highway issues on Collenna Road.
- The Savoy Theatre title no: WA182549 only gives the Theatre a prescriptive right of way over a narrow strip of the access lane. The charge on the current register of the access lane on title no. WA577048 derives from giving all adjacent properties on High Street, Number 1, Number 3 and Boars Head, access over all the lane with or without vehicles at all times for all purposes.
- How can planning permission at the Savoy Theatre be granted to build on the lane, when the Theatre only has prescriptive right of way over the lane, which is owned by somebody else. The lane will remain a lane until it becomes a public right of way as per charge. A landowner with adjoining titles in the same name cannot transfer from one title to another and therefore the theatre will only ever have the prescriptive right of way over the lane even if owned by the same person.
- Everyone comments on the shanty town developing on the access lane.
- Parking in my street will be made even worse and I currently can't park outside my house now. If this is to happen, we need permit parking because this just isn't fair and damages can occur to our vehicles. We have CCTV on our house so I should be able to park outside my house. It is also devaluing our house with things like the parking.

*Support*

- The Savoy Theatre is an important part of our school community and an asset to Tonyrefail and the surrounding district as a whole. What was a sad, derelict building has been turned into a vibrant and valuable part of the community.
- We use the Theatre for concerts 2/3 times a year for both charity and fund raising events.
- The request for planning permission to extend the dressing rooms will be greatly appreciated by all who use the Theatre – more space for segregation and relaxation for the performers before the show. A theatre cannot function to its full potential without adequate dressing rooms.
- Tonyrefail is very fortunate to have such a facility in the village which should be encouraged to flourish. The residents of Tonyrefail and beyond love the Savoy Theatre. This is proven by the audience numbers at each of the shows with many being completely sold out.
- All other parts of the application will help the outward appearance and ensure the smooth running of the Theatre.
- Parking is an issue but that is the same everywhere in Tonyrefail. I live close by and have no complaints about noise or parking. I have always been able to park outside my house when there is a show.
- The extension of the dressing room would give us and other users a larger space for costume changes and storing large costumes and props needed for each production.
- I understand that there are objections to the Savoy Theatre having dressing room space. In a town that is already incredibly lacking in any kind of recreation or entertainment, why would a venue be held back from business growth? The potential for bringing more visitors to the town, expanding on the reputation and economy is surely a thing to be encouraged?
- The Savoy is a crucial part of the legacy of Tonyrefail and must be allowed to thrive and grow. I have performed there many times in shows produced from the Theatre and outside companies coming in. I can't tell you the number of families at the panto who have said to me that coming along is a huge part of their family Christmas. And that's just one example.
- The facade desperately needs restoring to improve both the integrity and the appeal of the building.
- The work carried out by the Savoy Team, both owners and volunteers, from within the local community is nothing short of outstanding, transforming what was a derelict cinema space into to a working and usable theatre for all of the community.

## **CONSULTATION**

## Highways and Transportation

No objection subject to a condition in respect of the bollards.

## Theatres Trust:

The dressing room block utilises a former garage which has been converted and linked to the original building through a new structure in between. This provides three dressing rooms, a back of house WC, a store room and a further room. We have no record of the Savoy having been anything other than a cinema and therefore we assume it was built without any particular back of house facilities and that fitting them within the existing footprint would be problematic without interrupting original form and the layout and volume of the auditorium. Provision of dressing rooms is a necessary addition to allow this building to function as a theatre.

Whilst no images appear to be available of the side or rear of the Savoy, these tend to be less-sensitive elevations which are necessarily utilitarian and therefore harm from new additions is minimised. The fact the Savoy is able to provide three dressing rooms is particularly important given its use by local amateur groups because this is the minimum needed for safeguarding purposes where performances may include children and young people. The Savoy had been vacant for a prolonged period prior to being returned to use. Theatre represents one of limited potentially viable and compatible uses for this heritage asset. Therefore, the public benefits of positive active use without need to alter plan form and its sensitive front elevation also justify the need for this extension and mitigates any harm that arises.

Repair and restoration of the front facade is also included within these applications. In principle this would be supported because it will help conserve this important heritage asset into the future and again help provide the theatre with the additional functionality it needs to successfully operate. The addition of signage and lighting for example will help improve prominence, although it will be important to ensure that this is sensitively designed and applied.

## Public Health and Protection

Conditions are requested in respect of construction demolition, hours of operation, noise, dust and waste. It is also noted that the site is within 250m of a former landfill site.

However, it is considered that these matters are proposed to be incorporated within an informative note, since they can be controlled more effectively within the scope of existing environmental health legislation.

## Dwr Cymru Welsh Water

DCWW notes that the developer has indicated that foul and surface water flows are to be disposed of via the public sewerage system and we offer no objection in principle to the foul flows only discharging to the public sewer.

## Countryside – Ecologist

No objection, subject to an informative note in respect of bats.

No other consultation responses have been received within the statutory period.

## **POLICY CONTEXT**

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

Members will be aware that the current LDP's lifespan was 2011 to 2021, that it has been reviewed and is in the process of being replaced. The Planning (Wales) Act 2015 introduced provisions specifying the period to which a plan has effect and providing that it shall cease to be the LDP at the end of the specified period. These provisions were commenced on 4th January 2016 but do not have retrospective effect. Therefore, the provisions do not apply to LDPs adopted prior to this date and plans adopted before 4th January 2016 will remain the LDP for determining planning applications until replaced by a further LDP. This was clarified in guidance published by the Minister on 24th September 2020. Subsequently, Members are advised that the existing Plan remains the development plan for consideration when determining this planning application.

The application site lies within the settlement boundary for Tonyrefail.

**Policy CS2** - The policy emphasis in the Southern Strategy Area (SSA) is on creating sustainable growth within the Southern Strategy Area, particularly the concentration of development within the defined settlement boundary.

**Policy AW2** - Provides for development in sustainable locations which are within the settlement boundary; would not unacceptably conflict with surrounding uses; and have good accessibility by a range of sustainable transport option.

**Policy AW5** - Identifies the appropriate amenity and accessibility criteria for new development proposals. It expressly states that the scale, form and design of the development should have no unacceptable effect on the character and appearance of the site and the surrounding area. There should also be no significant impact upon the amenities of neighbouring occupiers and should, where appropriate, retain existing features of natural environmental value. Additionally, the development would require safe access to the highway network and provide parking in accordance with the Council's SPG.

**Policy AW6** - Supports development proposals that are of a high standard of design that reinforce attractive qualities and local distinctiveness, and which enhance landscape and biodiversity.

**Policy AW8** - Seeks to protect and enhance the natural environment from inappropriate development.

**Policy AW10** - Development proposals must overcome any harm to public health, the environment or local amenity as a result of flooding, contamination, noise or air pollution, land stability and other identified public health risks.

**Policy SSA4** - Promotes residential and commercial development within the key settlements of Tonyrefail that (amongst others) supports and reinforces the role of the centre as a Key Settlement and promotes the beneficial re-use of vacant and underused floor space.

## **Supplementary Planning Guidance**

- Design and Placemaking
- Access, Circulation and Parking Requirements
- The Historic Built Environment
- Nature Conservation

## **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.

Planning Policy Wales Edition 11 (PPW) was issued on 24th February 2021 in conjunction with Future Wales: The National Plan 2040 (FW2040). PPW incorporates the objectives of the Well-being of Future Generations (Wales) Act into town and country planning and sets out Welsh Government's (WG) policy on planning issues relevant to the determination of all planning applications. FW2040 sets out the National Development Framework for Wales (NDF), WG's current position on planning policy at regional and national level.

It is considered that the proposed development is consistent with the key principles and requirements for placemaking set out in PPW; and is also consistent with the Well-being of Future Generations (Wales) Act's sustainable development principles through its contribution towards the Welsh Ministers' well-being objectives of driving sustainable development and building healthier communities and better environments.

It is also considered the proposed development is compliant with the NDF, with the following policies being relevant to the development proposed:

- Policy 1 – Where Wales will grow – Employment / Housing / Infrastructure
- Policy 2 – Shaping Urban Growth – Sustainability / Placemaking

### SE Wales Policies

- Policy 33 – National Growth Areas Cardiff Newport & the Valleys – SDP/LDP/large schemes.

Other relevant national policy guidance consulted:

PPW Technical Advice Note 12: Design

PPW Technical Advice Note 24: The Historic Environment

## **REASONS FOR REACHING THE RECOMMENDATION**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.



Furthermore, applications that are not in accordance with relevant policies in the plan should not be allowed, unless material considerations justify the grant of planning permission.

## **Main Issues:**

### **Principle of the development**

The application building is located within settlement limits in close proximity to Tonyrefail town centre. As a result of its location, there are a variety of differing uses within the immediate area, although the area to the west and north of the site is predominantly residential in character. The site is also within easy access of a variety of differing facilities and services.

In this case, whilst the restoration and repair of the principal elevation is welcome, both this, the proposed side gate, disabled ramp and bollards are mainly included within the scope of the application because of the property being listed – as Members will have noted, this is the subject of application ref: 22/0314/12 for separate consideration, with a separate recommended condition.

Therefore, the key material concerns for this application relate to the retention of the dressing room, its proposed extension and the retention of the shed. Since this development is within the curtilage of the Theatre and would neither constitute a change of use nor result in a significant intensification of use, the application is considered to be acceptable in principle, subject to the matters set out below.

### **Character, appearance and design**

As noted further above, the appearance of the building would be subject to refurbishment, particularly the principal elevation and historic façade. These works would be very welcome and contribute towards a considerable improvement to the street scene.

With regard to the cluster of structures to the side, they are of a single storey height and due to the screening of surrounding structures and their set back from the highway, have very little prominence either from the street scene or within the wider landscape.

Nonetheless, the proposed works to extend the unauthorised dressing rooms and enclose these with the garage under a new flat roof would help to address concerns about their layout and appearance, and combined as a single block, would look less piecemeal.

Similarly, the garage is currently painted in the same colour as the other yard structures and a condition is proposed as part of the listed building application, to secure details of finishes and materials for approval.

As such, it is considered that the proposals would be acceptable in terms of their impact on the character and appearance of the area.

## **Impact on neighbouring occupiers**

The scale and location of the built development to the side of the Savoy is such that it is not capable of causing physical detriment to the outlook from the relevant neighbouring properties, i.e., the Boars Head Public House and no's 1 and 3 High Street.

This is particularly the case when considering the topography of the site, which raises towards the north, and given the intervening other structures, including the Savoy itself which more or less enclose the site.

As ancillary uses to that of the Theatre it is also unlikely that the nature of the activity within the dressing rooms and workshop/storage space would be very intensive, of a kind that would cause disturbance to neighbouring occupiers or create any opportunities for intrusive views.

Further to the above, concerns have been raised on behalf of neighbouring landowners in respect of whether the Applicant would be entitled to progress with the development, due to third party rights of access over the land, which are alleged to be across part of the site where the dressing rooms have been erected.

As part of the application submission the Applicant has provided copies of title plans, together with a legal statement. The statement advises that the opinion of a solicitor has been sought and that there is a right of way in favour of the Boars Head and no.1 High Street across the adjoining parcel of land which is also owned by the Savoy.

Notwithstanding the above it appears that there is no disagreement about the ownership of the land within the red line area and regardless of which party is correct about the route of the path, this remains a private legal matter. Land/boundary disputes, damage to property, private rights of access, covenants and ancient rights are not material planning considerations and it is up to the Applicant to satisfy themselves in this regard.

Therefore, in terms of the impact on the amenity and privacy of neighbouring residents, the application is considered to be acceptable.

## **Access and highway safety**

### *Access*

Primary access to the site is from Collenna Road which is acceptable for safe vehicular and pedestrian movement. To the side there is a private access lane that serves the rear of a number of dwellings and the rear / side of the Savoy. The lane is currently used for limited off-street parking in the form of a single garage and the Savoy Bingo Hall.

The lane has been split in half by a form of barrier giving access to the dwellings on one side and access to the Savoy on the other side. The location of the barrier

potentially obstructs an informal turning facility. However, in any event, should a car be parked at or adjacent to this informal facility the turning area would be unusable.

The vision out onto Collenna Road from the private lane is severely obstructed by the high boundary walls which would be further impacted in reverse gear.

The Applicant has also indicated that lane is proposed to have bollards placed at the rear of the footway to prevent unauthorised access. The location of the bollards would have a detrimental impact on highway safety with vehicles having to park on street at the location of the signalised junction to un-lock the bollards, potentially blocking the pedestrian footway or impacting on the free flow of traffic.

Therefore, a condition requiring the bollards to be set back a minimum of 5m from the edge of the carriageway is recommended so that a car can pull off the highway to unlock the them without impacting on highway or pedestrian safety. The location of the bollards set back a minimum of 5m would also help vehicles exiting the plot gain maximum vision available onto Collenna Road and provide safer access to the private lane.

### *Parking*

The Savoy has very limited off-street car parking. The proposed removes 1 off-street garage space which would not warrant a highway refusal and would also reduce vehicular movements off the sub-standard private access lane which is acceptable.

### *Summary*

There is a concern with regard to the use of the sub-standard access lane. However, taking into account the limited traffic using the lane, that it is an existing formalised access with dropped kerb facility which has been in existence for some time, and that there have been no reported accidents, the proposed development is considered acceptable in highway safety terms.

### **Other issues**

Whilst highways-related issues have been largely addressed within the assessment provided by the Council's Highways and Transportation Section, several of the objectors have raised concerns about the traffic and on-street parking demand generated by events at the Theatre.

The problems caused by thoughtless parking and any disruption caused by events are acknowledged and it is appreciated that this would become very tiresome for residents nearby. However, it is also recognised that the property has been operating as a public venue in excess of 100 years and whether or not it should continue as such is not the subject of the application.

### **Community Infrastructure Levy (CIL) Liability**

The Community Infrastructure Levy (CIL) was introduced in Rhondda Cynon Taf from 31 December 2014.

The application is for development of a kind that is not CIL liable under the CIL Regulations 2010 (as amended).

## **Conclusion**

As a landmark building within Tonyrefail it is considered the proposed development and refurbishment would be greatly beneficial to the character and appearance of the site and immediate locality.

Furthermore, the ancillary facilities and their extension would help to sustain the use of the building as a Theatre, which occupies a convenient and sustainable location, and the nature of their use as dressing rooms, workshop and storage would have minimal impact upon any neighbouring occupiers.

## **RECOMMENDATION: GRANT SUBJECT TO THE CONDITIONS BELOW:**

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason: To comply with Sections 91 and 93 of the Town and Country Planning Act 1990.

2. The development hereby approved shall be completed in accordance with the approved drawings and documents:
  - Site location plan
  - Plan DR/003/CR new layout
  - Plan DR/004/FE front elevation

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. The proposed bollards shall be set back a minimum of 5m from the rear edge of the public highway (footway) to prevent obstruction of the public highway.

Reason: In the interests of safety of all highway users and to maintain free flow of traffic at the signalised junction and safe pedestrian movement, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

4. No further development shall commence until details of a scheme for the disposal of surface water has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to the beneficial use of the extended dressing rooms.

Reason: To ensure that drainage from the proposed development does not cause or exacerbate any adverse condition on the development site, adjoining properties, environment and existing infrastructure arising from inadequate drainage, in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.