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All work to be carried out to the satisfaction of the Building Inspector.  
Contractor to check all dimensions and levels on site and to report any discrepancies. Contractor not to scale drawings.  
Read in conjunction with engineers details and calculations.  
IF IN DOUBT ASK

Drawings prepared from information supplied by others. Contractor to check all dimensions and to report any discrepancies.

### EXISTING PLANS

58 Queen Street  
Rhyl LL18 1SB

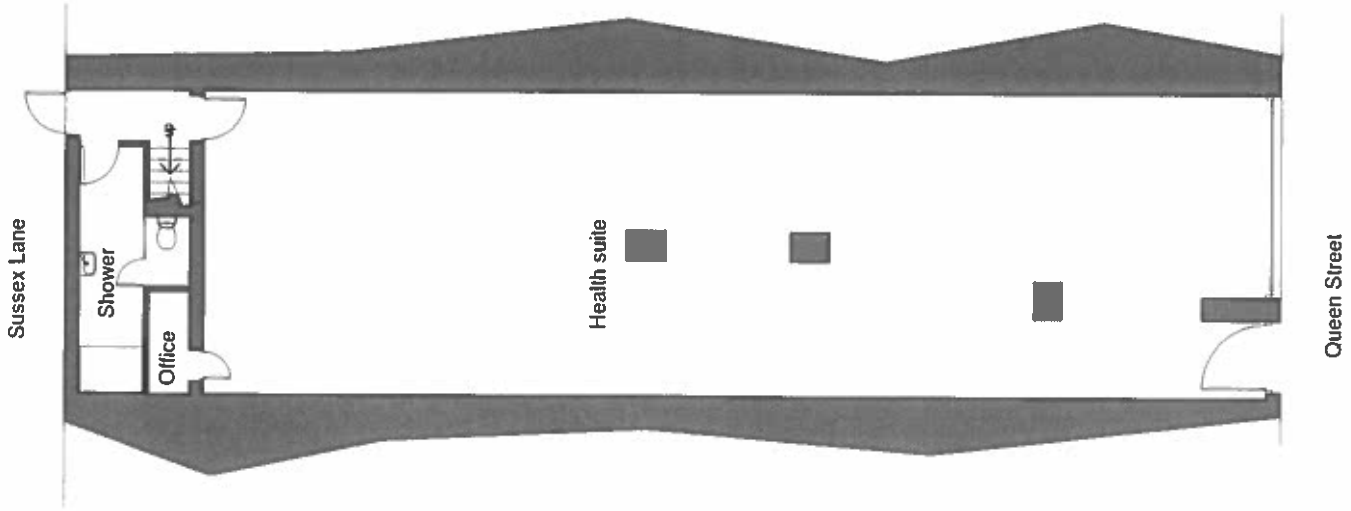
SCALE 1:100 @ A3  
DATE August, 2017  
DRWG. No 4025/02

Christopher Parry  
144 Roscoe, Ebbw Vale, Pembrokeshire, LL19 9PW  
Tel. 07797049953

Site drawings to the property of Christopher Parry and need not be repeated in whole or part without express permission.

0mm 50mm 100mm

This scale will measure 100mm when the drawing sheet has been printed on A3 paper at 1:1 scale



Sussex Lane

Shower

Office

Health suite

Queen Street

Plan as existing



**WARD :** Rhyl West

**WARD MEMBERS:** Cllr Alan James (c)  
Cllr Joan Butterfield

**APPLICATION NO:** 45/2017/0795/ PC

**PROPOSAL:** Change of use from arcade to a health club (retrospective application)

**LOCATION:** 58 Queen Street Rhyl

**APPLICANT:** Mr S Aslam

**CONSTRAINTS:** Conservation Area  
Article 4 Direction

**PUBLICITY UNDERTAKEN:** Site Notice - No  
Press Notice - No  
Neighbour letters - Yes

**REASON(S) APPLICATION REPORTED TO COMMITTEE:**

**Scheme of Delegation Part 2**

- Recommendation to grant / approve – Town / Community Council objection

**CONSULTATION RESPONSES:**

**RHYL TOWN COUNCIL**

'Objection on the following grounds

The Council is aware of complaints relating to noise and vibrations from the facility affecting neighbouring business premises

The current and proposed appearance of the building is detrimental to the Rhyl Central Conservation area within which it is located.

The Council are concerned that the proposed opening hours of the business and the consequential noise generated will have a detrimental impact on the amenities of neighbouring residential property occupiers

From the limited information supplied on the plan the layout of the changing facilities does not appear appropriate for mixed use having a single small changing facility. '

**DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –**

Head of Highways and Infrastructure

- Highways Officer

No objection

**RESPONSE TO PUBLICITY:**

In objection

Representations received from:

Kevin Davies, on behalf of the Victory Club, Rhyl (O)

Summary of planning based representations in objection:

Noise and disturbance

Use has been in operation for a number of months and generates constant noise from lifting of heavy weights / noise from loud music / disturbs users of adjoining club and discourages passers by from entering club

Visual impact

Impact of roller shutter / cage across opening

**EXPIRY DATE OF APPLICATION: 19/10/2017**

**REASONS FOR DELAY IN DECISION (where applicable):**

- timing of receipt of representations from Town Council
- awaiting consideration by Committee

**PLANNING ASSESSMENT:**

**1. THE PROPOSAL:**

1.1 Summary of proposals

1.1.1 The application is submitted in retrospect in relation to the use of a former arcade on Queen Street, Rhyl.

1.1.2 It involves the change of use to a health club.

1.1.3 The application forms refer to a floor area of 135 sq, metres. Hours of opening are indicated as 0900 – 2100 throughout the week and year.

1.1.4 A supporting statement advises as follows:

- The ground floor was formerly an amusement arcade
- Arcades by their nature are noisy with repetitive music from machines, flashing lights, and are generally open late into the night.
- The use has now ceased and in its place is a health club which is open to members only
- There will be very little noise from the health club as the members will be training on the apparatus
- The number of members present at any one time is limited by the number of pieces of apparatus – there are 30 pieces in the club.
- The majority of members come from the locality and will not come to the club by car. There are a number of car parks nearby if needed (Children's village 60m ; promenade 100m from the club

1.2 Description of site and surroundings

1.2.1 The 3 storey property is on the south west side of Queen Street and backs onto Sussex Lane.

1.2.2 Queen Street runs north west – south east from West Parade to Wellington Road. It contains a range of commercial premises including shops, restaurants / takeaways, public houses, a bowling alley, amusement arcades, and a tattoo studio. There are some residential flats at first / second floor level in some of the properties.

1.2.3 Immediately adjoining the property is a clothes repair shop (No 56) and The Victory Club (No. 60).

1.3 Relevant planning constraints/considerations

1.3.1 The site is within the defined Town Centre as shown on the proposals map for Rhyl in the Local Development Plan. It is also within the Conservation Area.

1.4 Relevant planning history

1.4.1 There is a limited history of determined applications at No 58. There were a number of withdrawn applications in the 1980's and 1990's relating to the former Joyland shop

which occupied the property.

1.5 Developments/changes since the original submission

1.5.1 None

1.6 Other relevant background information

1.6.1 None

**2. DETAILS OF PLANNING HISTORY:**

2.1 None of direct relevance to the application.

**3. RELEVANT POLICIES AND GUIDANCE:**

The main planning policies and guidance are considered to be:

3.1 Denbighshire Local Development Plan (adopted 4<sup>th</sup> June 2013)

**Policy RD1** – Sustainable development and good standard design

**Policy PSE8** – Development within town centres

**Policy VOE1** - Key areas of importance

**Policy ASA3** – Parking standards

3.2 Supplementary Planning Guidance

3.3 Government Policy / Guidance

Planning Policy Wales (Edition 9) November 2016

Development Control Manual November 2016

Technical Advice Notes

Circulars

3.4 Other material considerations

**4. MAIN PLANNING CONSIDERATIONS:**

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 9, 2016 (PPW) confirms the requirement that planning applications 'should be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise' (PPW section 3.1.3). PPW advises that material considerations must be relevant to the regulation of the development and use of land in the public interest, and fairly and reasonably relate to the development concerned (PPW section 3.1.4).

Development Management Manual 2016 states that material considerations can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment (DMM section 9.4).

The following paragraphs in Section 4 of the report therefore refer to the policies of the Denbighshire Local Development Plan, and to the material planning considerations which are considered to be of relevance to the proposal.

4.1 The main land use planning issues in relation to the application are considered to be:

4.1.1 Principle

4.1.2 Visual amenity / impact on Conservation Area

4.1.3 Residential amenity

4.1.4 Highways (including access and parking)

#### 4.2 In relation to the main planning considerations:

##### 4.2.1 Principle

The only policy in the Development Plan which appears relevant to the principle of the use is PSE8, which relates to development within defined town centres. The policy states development proposals in these areas will be permitted providing all of 3 criteria are met:

- i. They enhance the vitality and viability of the town centre and
- ii. They do not result in an unacceptable imbalance of retail and non retail uses
- iii. Within the primary shopping frontage of Rhyl the change of use of ground floor retail premises (A1 Shops) to any other use class will be resisted.

The site is not within the primary shopping frontage of Rhyl, so test iii. above is not applicable.

The justification to PSE8 highlights that the intention is to ensure there is appropriate retail provision across the County, but it accepts that town centres may 'appropriately accommodate non-retail uses'. It states that ' Proposals for non retail uses such as financial institutions, leisure uses, offices and proposals that relate to the night time economy will be permitted where they enhance the vitality of the town and do not result in an unacceptable imbalance of nonA1 uses.'

There are no representations on the application expressing concerns over the principle of the health club use.

In Officers' opinion, the use of a small commercial unit as a health club in this location would have no adverse impact on the interests which PSE8 seeks to protect.

##### 4.2.2 Visual amenity / impact on Conservation Area

Planning Policy Wales 3.1.4 confirms that factors to be taken into account in making planning decisions (material considerations) must be planning matters; that is, they must be relevant to the regulation of the development and use of land in the public interest, towards the goal of sustainability. Para 4.11.9 confirms that the visual appearance of proposed development, its scale and its relationship to its surroundings and context are material planning considerations.

Of relevance to this location, Local Development Plan Policy RD 1 test (i) requires due regard to issues of siting, layout, form, character, design, materials, aspect, microclimate and intensity of use of land / buildings and spaces between buildings, which are matters relevant to the visual impact of development .

The Town Council have commented that the current and proposed appearance of the building is detrimental to the Rhyl Central Conservation area within which it is located. The representations from the neighbouring property express concerns over the impact of the roller shutter / cage across the front of the building.

With regard to the comments of the Town Council and the neighbours, the application does not actually propose any changes to the Queen Street frontage of the property. However, it is apparent from inspection that the appearance of the front and the shuttering are of poor quality and the application offers an opportunity to seek improvements. It is therefore suggested that if permission is granted, that a condition be attached requiring submission of alternative details for the improvement of the frontage / shutter arrangement, and implementation of what is subsequently approved within a 6 month timeframe.

##### 4.2.3 Residential amenity

Local Development Plan Policy RD 1 test (i) requires due regard to issues of siting, layout, form, character, design, materials, aspect, microclimate and intensity of use of land / buildings and spaces between buildings, which touch on the potential for impact on residential amenity; test (vi) sets the requirement to assess the impact of development on the amenities of local residents, other land and property users, or characteristics of the locality, in terms of increased activity, disturbance, noise, dust, fumes, litter, drainage, light pollution, etc.



The Town Council have raised comments on the general amenity impacts of the use, referring to complaints relating to noise and vibrations from the facility affecting neighbouring business premises; and they are concerned that the proposed opening hours of the business and the consequential noise generated will have a detrimental impact on the amenities of neighbouring residential property occupiers. The concerns are echoed on behalf of the adjoining club who refer to constant noise from lifting of heavy weights / noise from loud music / disturbance for users of the club and discouraging passers by from entering.

Potential impacts on the enjoyment of occupiers / users of nearby property may be legitimate material planning considerations. In this instance, however, due account also has to be taken of the location of the property in an area of mixed commercial and leisure uses close to the seafront in Rhyl, and the previous use as an arcade which will have generated a level of noise and activity.

In respect of noise issues, Officers' take is that it would be difficult to justify a refusal recommendation having regard to the location and previous use. However, the application presents an opportunity to secure improvements such as installation of additional internal wall insulation to mitigate noise, and this could be secured through the inclusion of a suitable condition on any permission.

The hours of opening of the health club are indicated on the application form as 9am to 9pm daily. With respect to the concerns of the Town Council, these seem fairly restricted operating hours for a leisure use in a seaside town and would mean there would be limited impacts on neighbouring uses in 'unsocial' hours outside those applied for. Instances of 'loud music' being played are really matters outside normal planning control.

#### 4.2.4 Highways (including access and parking)

Planning Policy Wales 3.1.4 confirms that factors to be taken into account in making planning decision (material considerations) must be planning matters; that is, they must be relevant to the regulation of the development and use of land in the public interest, towards the goal of sustainability. The highway impacts of a development proposal are a material consideration. Policy ASA 3 requires adequate parking spaces for cars and bicycles in connection with development proposals, and outlines considerations to be given to factors relevant to the application of standards.

Policy RD1 sets a number of site specific tests to apply to assess the acceptability of proposals, including the need to provide safe and convenient access for disabled people, pedestrians and vehicles, and adequate parking and manoeuvring space; and requires that proposals do not have an unacceptable effect on the local highway network.

These policies reflect general principles set out in Planning Policy Wales (Section 8) and TAN 18 – Transport, in support of sustainable development.

There are no representations raising matters specific to the highway implications of the use.

The property is close to public car parks and it is not considered that there are any highway / parking issues from the health club use.

#### Other matters

##### Internal layout matters

The Town Council have stated that from the limited information supplied on the plan, the layout of the changing facilities does not appear appropriate for mixed use having a single small changing facility. In respecting these comments, the internal arrangements of a health club use are not matters to be taken into account in the determination of a planning application.

### Well – being of Future Generations (Wales) Act 2015

The Well-being of Future Generations (Wales) Act 2015 imposes a duty on the Council not only to carry out sustainable development, but also to take reasonable steps in exercising its functions to meet its sustainable development (or well-being) objectives. The Act sets a requirement to demonstrate in relation to each application determined, how the development complies with the Act.

The report on this application has been drafted with regard to the Council's duty and the "sustainable development principle", as set out in the 2015 Act. The recommendation takes account of the requirement to ensure that present needs are met without compromising the ability of future generations to meet their own needs. It is therefore considered that there would be no significant or unacceptable impact upon the achievement of well-being objectives as a result of the proposed recommendation.

#### **5. SUMMARY AND CONCLUSIONS:**

- 5.1 The application seeks to authorise a leisure use which is already operating in a property on Queen Street, Rhyl.
- 5.2 There is a mixture of commercial and leisure uses in this area.
- 5.3 There are representations expressing concerns over the impact of the use on nearby properties.
- 5.4 Officers do not consider the use is inappropriate for a town centre location but are suggesting conditions be attached to any permission to ensure controls over opening

#### **RECOMMENDATION: GRANT-** subject to the following conditions:-

1. The development hereby permitted shall be carried out in strict accordance with details shown on the following submitted plans and documents unless specified as otherwise within any other condition pursuant to this permission:
  - (i) Design Statement - Received 25 August 2017
  - (ii) Existing Floor Plans (Drawing No. 4025/02) - Received 25 August 2017
  - (iii) Location and Site Plans (Drawing No. 4025/01) - Received 25 August 2017
2. The hours of opening of the health club shall be restricted to between 0900 and 2100 on any day.
3. Within 3 months of the date of this permission, schemes for the following shall be submitted for the consideration and approval of the Local Planning Authority, and the approved details shall be completed no later than 6 months from the date of the permission:
  - a. Detailed proposals for the insulation of the internal walls of the building to mitigate the transference of sound; and
  - b. Detailed proposals for the alternative treatment of the Queen Street frontage of the building

The reasons for the conditions are:-

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and in the interests of the residential amenities of occupiers of residential properties in the area.
3. In the interests of the amenities of users of adjoining properties and in the interests of the character and appearance of the Conservation Area.

#### **NOTES TO APPLICANT:**

You are advised to contact the Development Management case officer to discuss the approach to submissions to comply with condition 3 of the permission.