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Heading:

45/2013/0051
Bar Blu, 1 Kinmel Street
Rhyl

10



Application Site

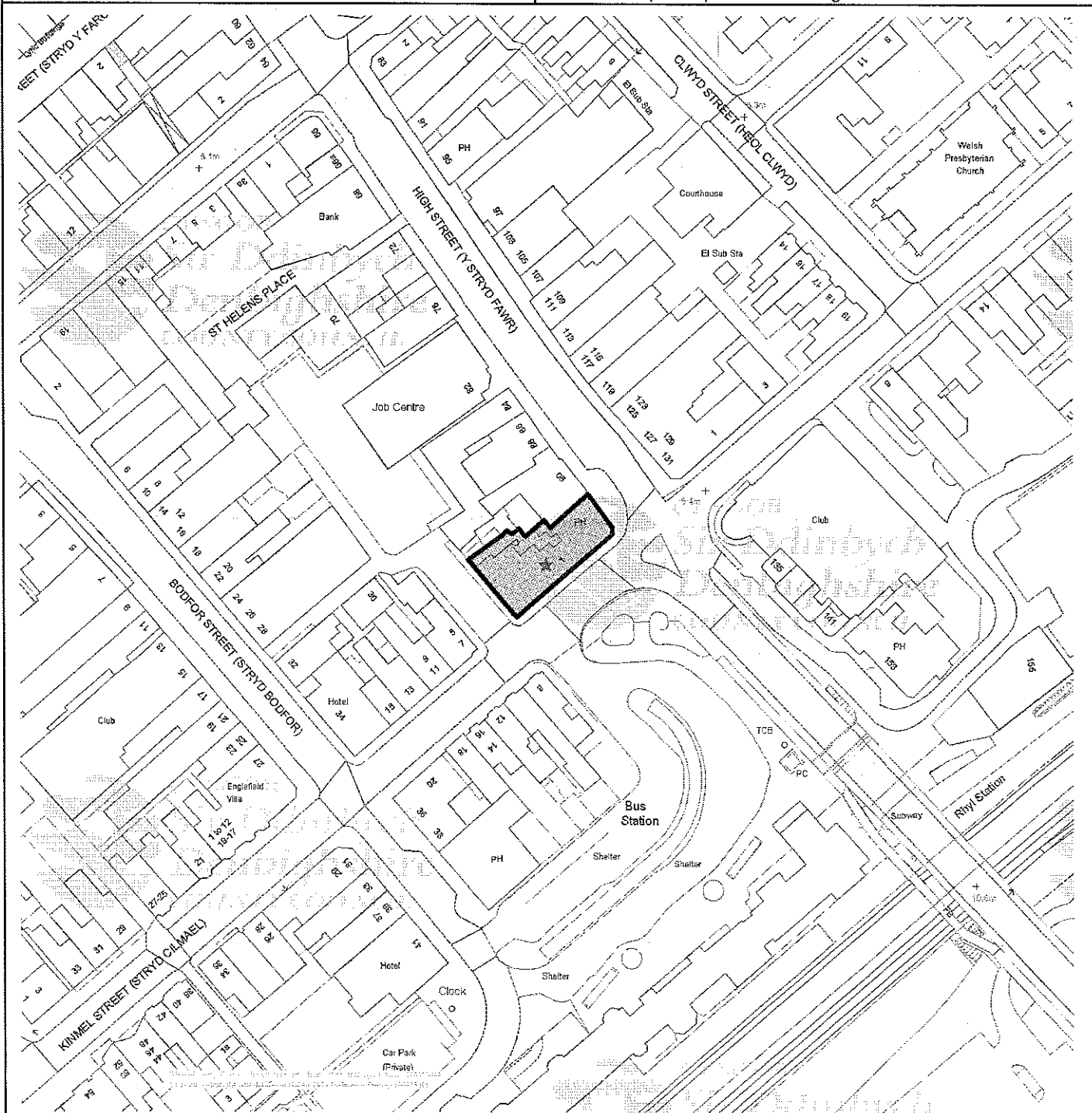


Date 6/3/2013

Scale 1/1250

Centre = 300914 E 381320 N

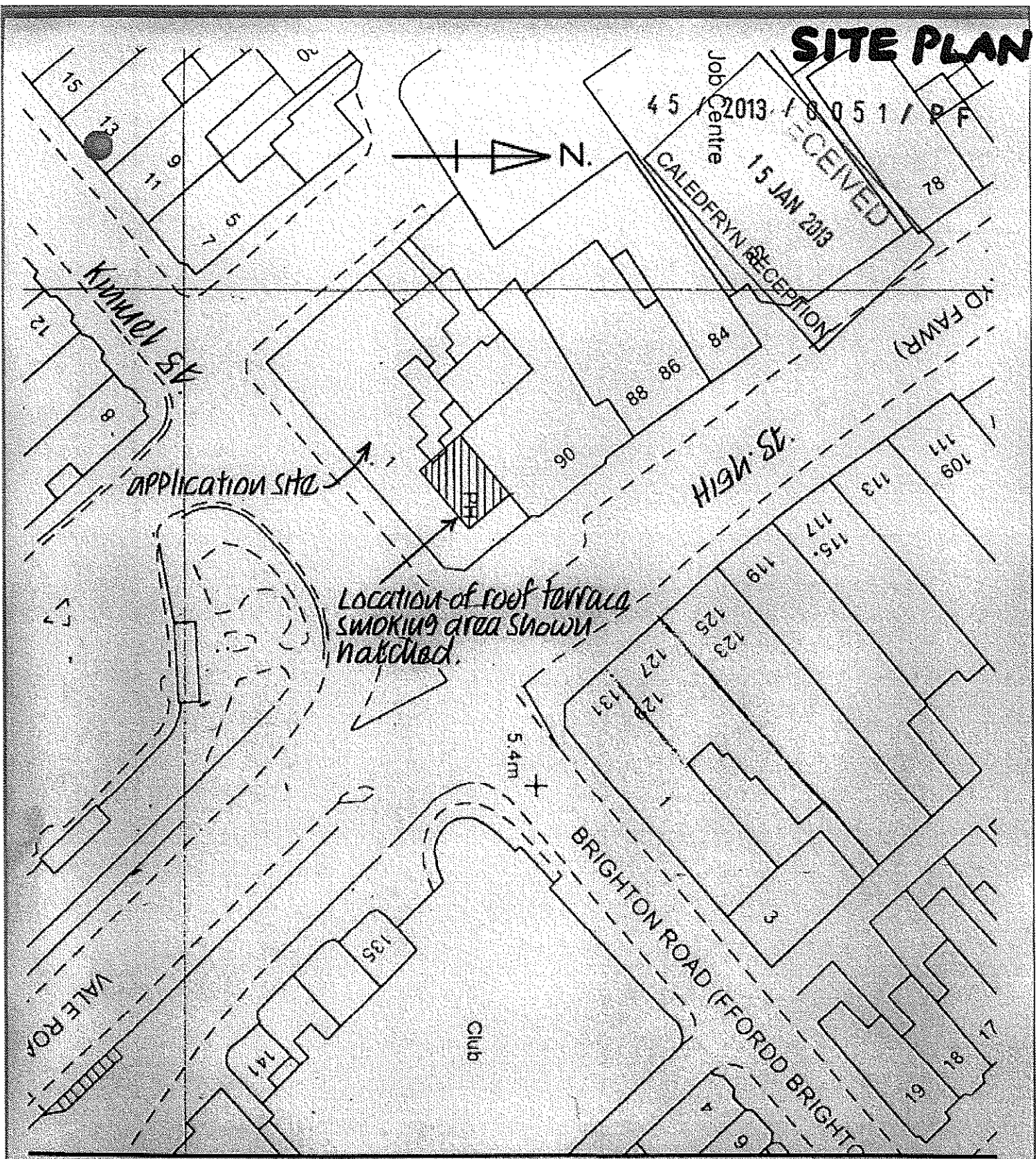
This plan is intended solely to give an indication of the LOCATION of the application site which forms the subject of the accompanying report. It does not form any part of the application documents, and should not be taken as representative of the proposals to be considered, which are available for inspection prior to the meeting.



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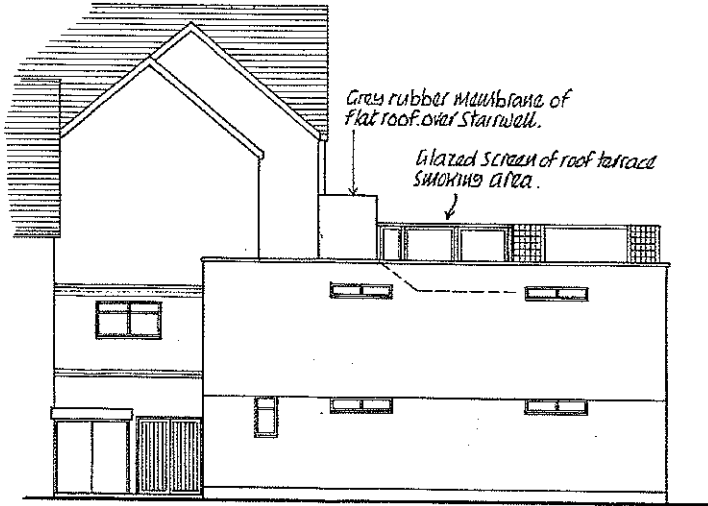
Atgynhychir y map hwn o ddeunydd yr Ordnance Survey gyda chaniatâd yr Ordnance Survey ar ran Rheolwr Llyfrfa Ei Mawrhydi © Hawffraint y Goron. Mae atgynhychu heb ganiatâd yn tom hawffraint y Goron a gall hyn arwain at erlyniad neu achos sifil. Cyngor Sir Ddinbych. 100023408. 2011.

SITE PLAN



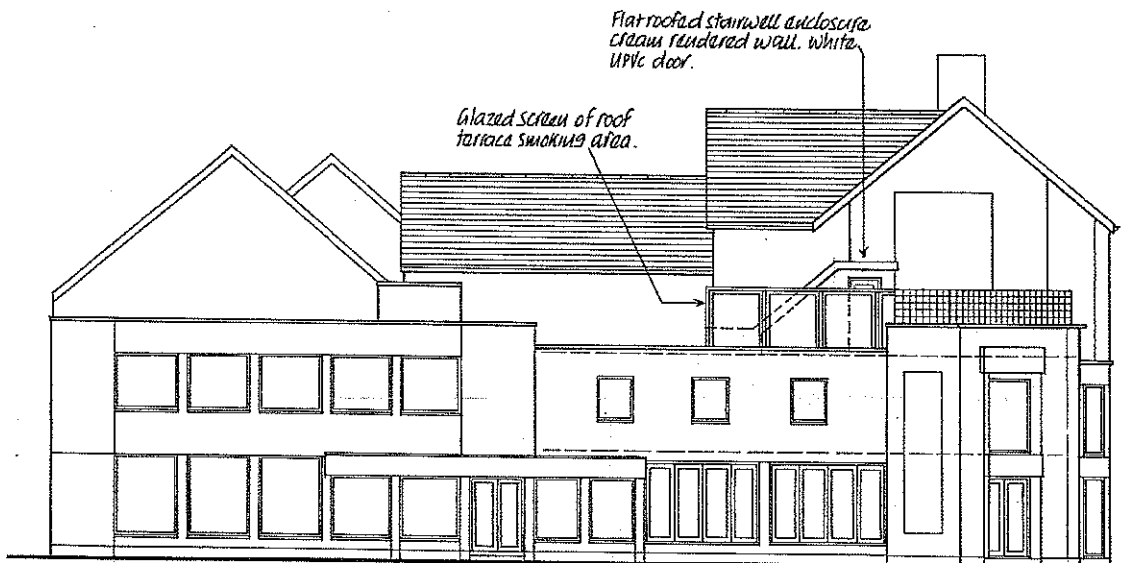
Site Plan, Bar Blu, Rhyd DG 8.
1:500. Proposed.

ELEVATIONS



WEST

Proposed External Finishes.
Glazed screen of roof terrace smoking area.
 Brown Painted Galv. M.S. frame. Translucent
 Sheeting between stanchions.
Roof of stairwell enclosure
 Grey rubber membrane.
Wall of stairwell enclosure
 Cream Painted render.
New external door from stairwell enclosure
 White UPVC.



SOUTH

RECEIVED
 15 JAN 2013
 CALEDRYN RECEPTION



EAST

Recessed access / fire escape doors
 Fit in a pair of powder coated brown
 aluminum doors and side panel as
 shown. To match existing doors &
 windows etc. Existing roller shutters
 retained for out of hours security

BAR BLU RHYL- DG3 -1:100
 PROPOSED

ROOF PLAN

4.5 / 2013 / 0051 / P F

Construct new structure to form staircase enclosure with 100x100mm base rail, top rail and stanchions as shown. Infill between stanchions with 100x50mm timber studs at max 400c/c. and diagonal bracing 100x50mm. Insulate between studs with 100mm Kingspan TPO rigid insulation board. Plate internally with 72.5mm Kingspan FIB composite and insulation board. Construct roof with 100x50mm timbers from steel frame back to bearer on existing masonry wall. 100x50mm timbers at max 400c/c. Insulate in same manner as described for steel framed walling above. Bearer to be 100x50mm timber fastened to wall with 12mm dia fastbolts at max 400c/c and girth M.S. Joist hangers at all connections.

External face of steel wall to receive 2 coat render with waterproofing admix on. Stainless steel expanded metal lath on bracing membrane on 19mm exterior grade ply on steel frame all as described above. Existing Plinth wall approx 200mm high.

Roof of enclosure over stairs formed parallel to pitch line of stairs to ensure min 200mm clear headroom over pitch line. Cover with 12mm Single Ply Rubber membrane on 19mm exterior grade plywood on 100x50mm timbers at max 400c/c. Surface water discharges onto existing flat roof area.

door stop & catch.
Note: Occupancy capacity less than 60.

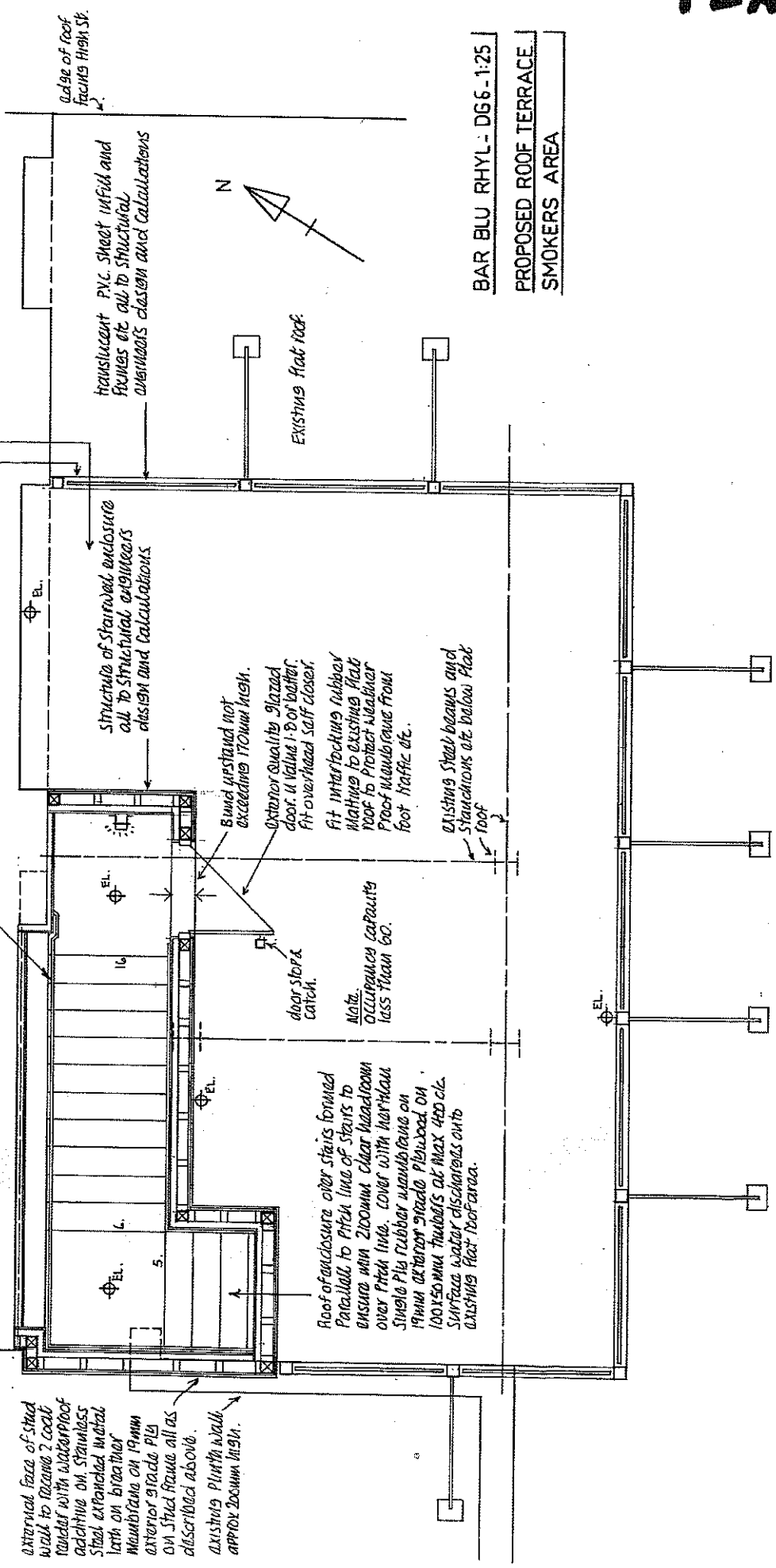
handrails to be fixed at 900mm above pitch lines and tanchions etc. provide handrails to both sides of flight.

Structure of staircase enclosure all to structural engineers design and calculations

translucent PVC sheet infill and fixings etc all to structural engineers design and calculations

Suitability of flat roof to sustain additional loading also to be subject to structural engineers design and calculations.

RECEIVED
15 JAN 2013
CALDERFYN RECEPTION



ITEM NO: 10
WARD NO: Rhyl West
APPLICATION NO: 45/2013/0051/ PF
PROPOSAL: Formation of rooftop sheltered area and alterations to the ground-floor entrance doors fronting High Street
LOCATION: Bar Blu 1 Kinmel Street Rhyl
APPLICANT: Mr Trevor Tyrie
CONSTRAINTS: C1 Flood Zone
Town Heritage Area
Conservation Area
Article 4 Direction
PUBLICITY UNDERTAKEN: Site Notice - Yes
Press Notice - Yes
Neighbour letters - Yes

**REASON(S) APPLICATION REPORTED TO COMMITTEE:
Scheme of Delegation Part 2**

- Referral by Head of Planning / Development Control Manager

CONSULTATION RESPONSES:

RHYL TOWN COUNCIL
"No objection".

**DENBIGHSHIRE COUNTY COUNCIL CONSULTEES
PUBLIC PROTECTION LICENSING OFFICER**

Has confirmed that the use of the roof top area can be controlled by the terms of the licence to prevent the taking of glasses out onto the roof and to also control the hours of use of the shelter which would prevent persons from using the area for any elongated period at night time. The applicant has agreed that there will be no drinks allowed into the roof top shelter at any time as a condition of the licence.

RESPONSE TO PUBLICITY:

In objection

Representations received from:

Eileen Bell, owner of 90 High Street, Rhyl

Summary of planning based representations in objection:

Residential amenity

Noise and disturbance caused to occupiers of the adjacent upper floor apartments above 90 High Street late into the night.

In support:

Representations received from :

Chris Ruane MP:

Summary of planning based representations in support:

If a roof garden was incorporated into the scheme it could form quite a feature of the entrance to Rhyl town and that a roof terrace as proposed may ease congestion and problems on the street outside of the premises. The development would fit in nicely with the investment we have, and will have, in the railway and bus stations and as such this is a welcome investment in the property.

Rhyl Business Group: Have visited the site and register their approval of the scheme.

EXPIRY DATE OF APPLICATION:

REASONS FOR DELAY IN DECISION (where applicable):

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

1.1.1 The application proposes two elements:

- (i) Alterations to the existing ground floor entrance doors facing the High Street to allow for the inclusion of an access ramp to replace the existing step up into the property, along with internal arrangements to alter the existing stairs to meet modern standards. The changes to the doors will match the remainder of the building and simply replace an existing single door with a new set of two recessed doors.
- (ii) Creation of a new roof top shelter, accessed by a new internal staircase, standing adjacent to the gable wall of 90 High Street. The area for the shelter has a footprint of 8.0 metres by 5.5 metres, including the new staircase up to the roof, and is intended to be used by smokers as an alternative to standing outside at street level. The tallest section of the shelter measures 2.6 metres which is above the staircase, with the majority of the structure 1.9 metres tall and will have glazed screens to each side and be open to the front facing Kinmel Street.

The detailing of the proposals are shown on the plans at the front of this report.

1.2 Description of site and surroundings

- 1.2.1 The property is the former Bar Blu public house standing in a prominent location at the entrance to the town when approaching from the bridge on Vale Road and occupies a corner plot adjacent to the crossroads with High Street, Brighton Road and Kinmel Street.
- 1.2.2 The currently vacant property is undergoing a substantial modernisation and renovation programme which the applicant has stated will cost in the region of £750,000 to enhance its appearance externally and internally. The establishment will be renamed 'Front Room' when it reopens after the works.
- 1.2.3 The property has a service road to the south west and a yard to the north west (rear) with the retail units on High Street to the north above which are flats including two above the immediately adjacent property at 90 High Street that have windows at the rear set at right angles to the adjacent roof top of the subject property. Bar Blu has a flat roof which is visible from Vale Road and has the gable-end of 90 High Street adjacent to it projecting above the flat roof area. The flat roof has a low dwarf wall around its perimeter.

1.3 Relevant planning constraints/considerations

1.3.1 The property stands within the defined town centre area but is outside of the Conservation Area.

1.4 Relevant planning history

1.4.1 The site has been subject to a number of planning applications for external changes and signage, none of which are of direct relevance to the current application.

1.5 Developments/changes since the original submission

1.5.1 None

1.6 Other relevant background information

1.6.1 The issue of potential noise conflict has been raised with the agent for the scheme as well as the potential for fumes from smokers using the shelter to travel to the windows of the adjacent flats. The comprehensive response from the agent is referred to below as it provides useful information in the weighing up of the merits of the application:

Fumes and noise disturbance - The area in question is sited to the south of the nearest windows and is set back from the south east corner by approximately 4 metres. The nearest opening window is sited approximately 1m from the south east corner and faces east. Fumes would have to travel east first of all on a westerly wind, then turn north on a southerly wind and then turn west on an easterly wind to enter the window. This is a contorted path for the fumes to travel.

The path for noise to travel is similarly contorted. The only window that could be affected is the sliding sash window at first floor level shown on the attached screenshot. The first floor windows below are all fixed pane. The occupants of the adjacent property (if there are any) would have taken up residence where their windows were directly adjacent to a night club and the only place that people could congregate for smoking, queuing, etc, would be directly below their windows near the busiest junction in Rhyl.

As such I feel that any occupants are used to noise and fumes and choose to accept that situation as it is. If anything I feel that the likelihood of noise and fumes is diminished by the proposal compared to the existing situation (this is due to the contorted path for noise and fumes to travel compared to the current situation).

With regard to visual appearance, the shelter is a lightweight structure which has been designed to be no higher than the blue block glazed screen panels on the corner of Kinmel street and High street, so its scale is no greater than the existing building, which is set a lot lower than the adjacent building. To mitigate this concern the glazed panels could be frosted to have a white appearance and the frame could be white coated. In essence this would ensure that the enclosing screen to the required area would have a white appearance against the white gable of the adjacent building. This would lose any visual impact as the new enclosure would be lost in the white appearance of the adjacent gable.

There are no other available areas for this site to provide such a facility. If a facility is not provided then people will congregate on the street for that purpose and that gives a very poor image for the town as people approach over the bridge. The proposal accommodates the facility on site where visual prominence can be mitigated as proposed above and also the facility can be

managed to ensure minimal disruption. They cannot manage the street, so if the patrons are forced outside then the management of the site have no control over the conduct of patrons in a public area.

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 UNITARY DEVELOPMENT PLAN

Policy GEN 6 – Development Control Requirements

Policy RET 1 – Town and District Centres

3.2 SUPPLEMENTARY PLANNING GUIDANCE

SPG12 – Shop Fronts

3.3 GOVERNMENT GUIDANCE

Planning Policy Wales Edition 5 November 2012

4. MAIN PLANNING CONSIDERATIONS:

4.1 The main land use planning issues are considered to be:

4.1.1 Visual impact

4.1.2 Residential amenity

4.2 In relation to the main planning considerations:

4.2.1 Visual impact

Policy GEN 6 requires consideration of the acceptability of development in terms of visual amenity.

There are no specific objections raised in response to consultation which refer to visual amenity issues.

In Officers' opinion, the appearance of the changes to the ground floor entrance doors are in keeping with the upgrading works to the remainder of the building and are acceptable. The roof top shelter is of a limited height and whilst it will be visible from the approach on Vale Road, its colour, form and materials will be in line with the renovations underway at the property and will be seen against the backdrop of the gable end of 90 High Street. The visual appearance of the resulting roof top is considered to be appropriate.

4.2.2 Residential amenity

Residential amenity considerations are outlined in Policy GEN 6.

Concerns are expressed at the potential for noise and disturbance from use of the rooftop shelter in relation to nearby residential property.

In Officers opinion, the changes to the ground floor doors are not adjudged to raise any issues in respect of amenity. However, given the location of flats at 90 High Street directly adjacent to the proposed location of the staircase and roof top shelter the issue of residential amenity is considered to be a relevant consideration on this application. The proposed shelter has the potential to be used at all times that the bar is open, and it is understood that the license application may allow this to be until 0430 in the morning at weekends.

In light of the response from the agent referred to in 1.1.6 of the report, and the assurances provided by licensing regarding the limitation of use of the roof top shelter which will serve to prevent persons congregating there to drink, it is considered that on balance the potential for harm to the amenity of the occupiers of the adjacent flats can be satisfactorily addressed via the Licencing process, to a degree which would make a refusal of permission on this issue unjustified.

5. SUMMARY AND CONCLUSIONS:

5.1 In Officers' opinion, the issues to weigh here in relation to the rooftop shelter are the potential for impact on residential amenity against the visual benefits of providing an alternative area for use by smokers which is not out on the street.

5.2 Assessment of the issues suggests the matter is finely balanced, given that Policy GEN 6 seeks to protect residential amenity. However, it must be recognised that the site lies within the defined town centre area as defined by Policy RET 1 where an element of additional noise and disturbance will always be encountered due to the commercial nature of the uses which are encouraged to locate there.

5.3 The comments made by the objector in relation to the potential for harm to the adjacent flats are noted; however in light of the foregoing analysis and controls through the licencing process, this is not considered to represent sufficient grounds on which a refusal can be based.

RECOMMENDATION: - GRANT:- subject to the following conditions

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. **PRE-COMMENCEMENT CONDITION**
Prior to the commencement of the development, the written approval of the Local Planning Authority shall be obtained in respect of the external materials to be used for the 'roof top shelter' and the ground floor entrance, and no materials other than those approved shall be used.

The reason(s) for the condition(s) is(are):-

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. In the interests of visual amenity.

NOTES TO APPLICANT:

You are advised that the uses of the rooftop shelter are likely to be governed by separate licencing legislation, and the shelter should not be brought into operation until such processes have been completed.