

Heading:

REFERENCE NO. 45/2013/1510/PO  
OCEAN BEACH SITE  
WELLINGTON ROAD, RHYL

Graham Boase  
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Denbighshire County Council  
Caledfryn  
Smithfield Road  
Denbigh  
Denbighshire LL16 3RJ  
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 Application Site

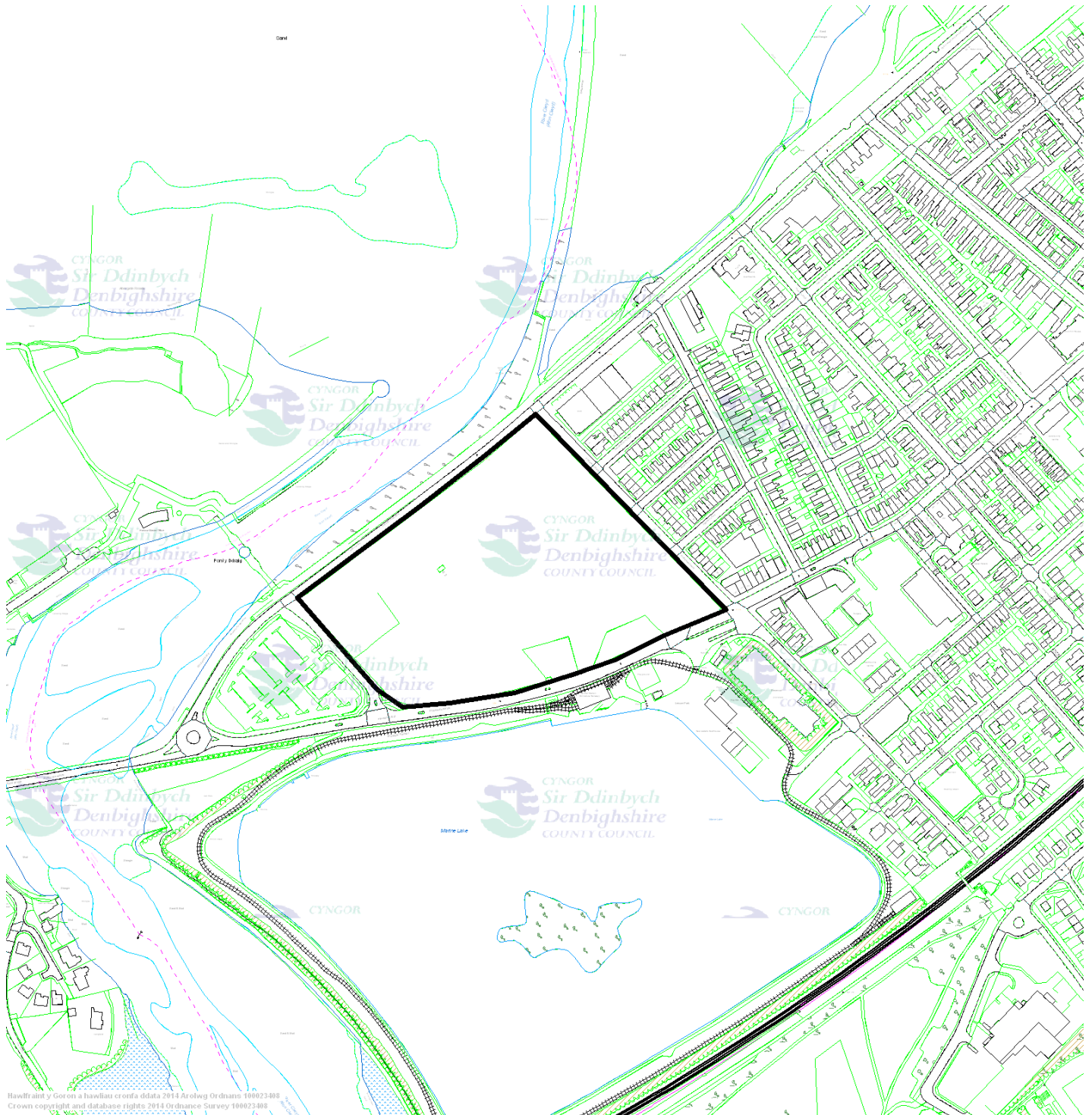


Date 28/10/2014

Scale 1/5000

Centre = 299905 E 380821 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.

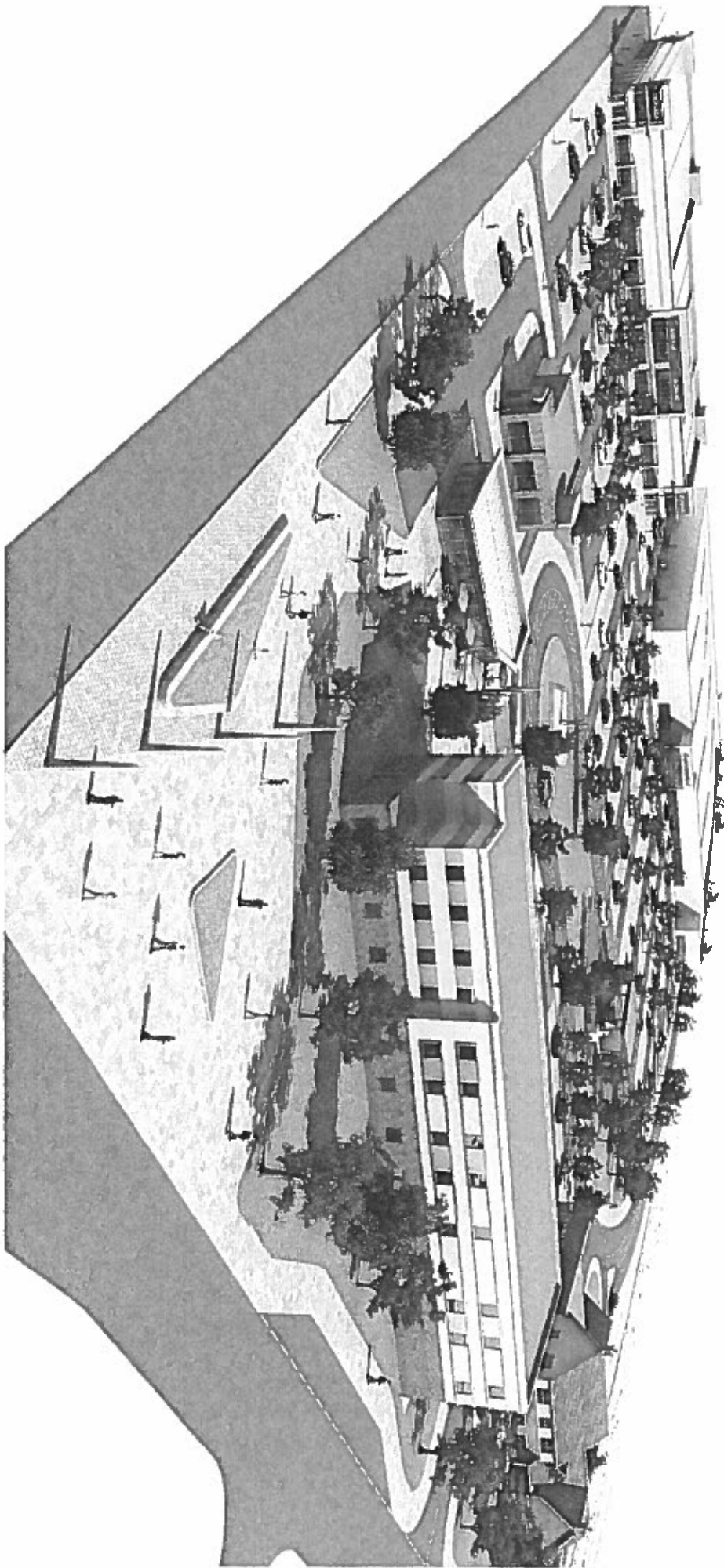


Hawlfraint y Goron a hawliau crofta ddata 2013 Arolwg Ordnance 100023408  
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NW-ARCHITECTS

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Project:  
 Ocean Plaza Rlyl

Image 1

Project No.  
 RS

Issue Date  
 31.10.13

Project Name  
 08215 - P280

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**NOTES**

1. This plan shows the proposed site layout and is not to be used for construction purposes. It is a preliminary plan and is subject to change without notice. It is not to be used for any other purpose without the written consent of the architect.

2. The site is shown in relation to the surrounding area and is not to be used for any other purpose without the written consent of the architect.

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10. The site is shown in relation to the surrounding area and is not to be used for any other purpose without the written consent of the architect.



# PROPOSED SITE PLAN

NO.	DESCRIPTION	DATE	BY	CHKD.
1	Issue for client approval	10/10/11	AW	AW
2	Issue for planning application	10/10/11	AW	AW
3	Issue for construction	10/10/11	AW	AW



Scarbrough  
Development Group

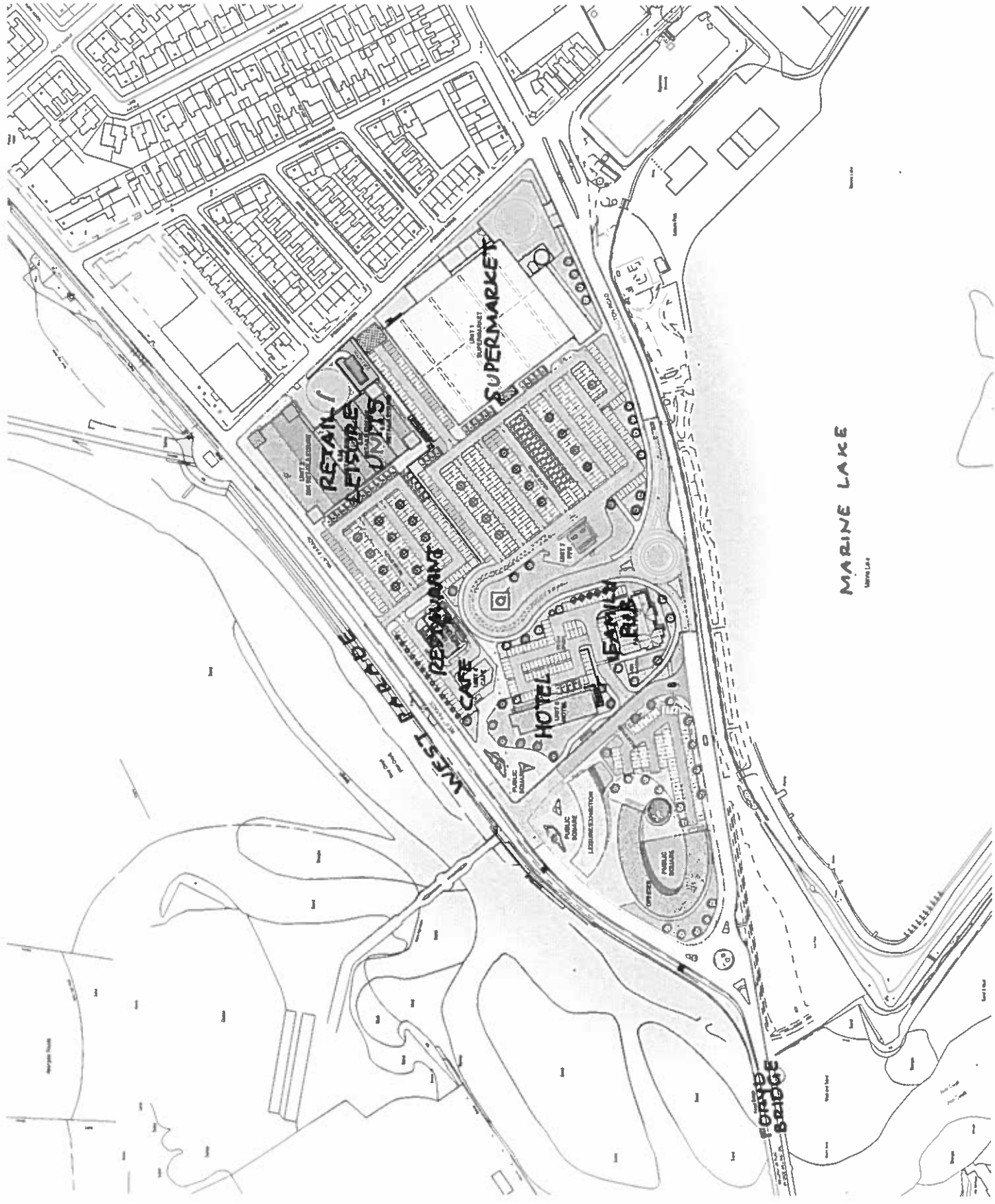


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Project:  
Ocean Plaza, Wellington Road  
Rhyd

Site Plan Proposed  
Masterplan - Colour

Scale:	1:1000 @ A1
Drawn by:	AW
Checked by:	AW
Date:	10/10/11
Project No.:	08215-P203
Revision:	B











Paul Mead

**WARD NO:** Rhyl West

**WARD MEMBER(S):** Cllr Ian Armstrong  
Cllr Joan Butterfield

**APPLICATION NO:** 45/2013/1510/ PO

**PROPOSAL:** Development of 5.3 hectares of land for mixed-use re-development to include provision of a foodstore (Class A1), large format non-food retail/leisure units (Classes A1, A3, D2), cafe/restaurant units (Class A3), hotel (Class C1), public house (Class A3), petrol filling station (sui generis), with associated access, car parking, infrastructure (including new sub-station) and landscaping (outline application including access - all other matters reserved)

**LOCATION:** Ocean Beach Site, Wellington Road, Rhyl

**APPLICANT:** Scarborough Development Group

**CONSTRAINTS:** C1 Flood Zone

**PUBLICITY UNDERTAKEN:** Site Notice – Yes  
Press Notice – Yes  
Neighbour letters - Yes

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

- At request of Development Manager – major proposal

**CONSULTATION RESPONSES:**

**RHYL TOWN COUNCIL**

“The Town Council Planning Committee is concerned that the development site is key for the long term future well-being of the Town of Rhyl and its community.

It is the Planning Committees view that in the past the applicant has demonstrated a lack of commitment/ability to undertake their responsibilities specified in conditions attached to previously granted planning consents in respect of this site. (as evidenced by the current appearance of the site).

In light of this past experience the Town Council does not have confidence that any safeguards applied to any new planning approval by way of condition will be subsequently implemented by the applicant to the detriment of the well-being of the wider town community.

As such the Rhyl Town Council Planning Committee is declining to make any response to the current application.”

**CONWY CBC**

No objection and note the reduced size of food store in terms of possible impacts upon existing Asda in Kinmel Bay.

**NATURAL RESOURCES WALES**

No objection subject to confirmation of a surface water regulation system which will be controlled through condition.

#### DWR CYMRU / WELSH WATER

No objection subject to an integrated drainage scheme dealing with foul, surface and ground water being provided by the developer.

#### SUSTRANS

Awaiting further response on revised plans and information.

#### EMERGENCY PLANNING UNIT

No objection subject to compliance with actions set out within the most up to date Flood Consequences Assessment.

#### DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

Head of Highways and Infrastructure

##### Highways Officer

Awaiting further response on revised plans and information

##### Planning Policy Section

Concerns over the impact of the amount of comparison retail proposed on the viability of Rhyl Town Centre. Whilst the existing planning position at the site is relevant there appears to be certain flaws in the current retail argument. The overall regeneration benefits of this scheme have to be weighed against this potential negative impact on the shopping offer in the town centre.

##### Economic and Business Development Officer

Introduction of leisure offer is welcomed. Concern about the impact of the development on the retail offer in the town centre.

##### Senior Engineer Flood Risk Management

Awaiting further response to revised plans and information.

#### **RESPONSE TO PUBLICITY:**

In objection:-

Gabrielle Lloyd, La Duvet, 18 Sussex Street, Rhyl

Michael Harris, 11 Russell Road, Rhyl

Simon Townsend, 10 Cilnant, Mold (Secretary of Rhyl Steam Preservation trust and operator of Marine Lake Minature Railway)

Elizabeth Smith, 95 Ffordd Derwen, Rhyl

In Support/Neutral:

Robert Patterson, Flat 6, 1 St.Asaph Street, Rhyl

#### **Comments in objection:-**

- negative visual impact as you enter Rhyl
- Lack of greenery in scheme
- negative impact upon the retail offer in the town centre
- will draw people away from an already struggling High Street
- poor pedestrian/cycle links to the Marine Lake

#### **Comments in support:-**

- will provide a much needed regeneration boost to the area.

#### **EXPIRY DATE OF APPLICATION: 26/1/14**

#### **REASONS FOR DELAY IN DECISION:**

- protracted negotiations resulting in amended plans
- re-consultations / further publicity necessary on amended plans and / or additional information
- awaiting consideration by Committee

## **PLANNING ASSESSMENT:**

### **1. THE PROPOSAL:**

#### **1.1 Summary of proposals**

1.1.1 The proposal seeks outline planning permission for the redevelopment of the former fun fair site. The current scheme indicates a phased development incorporating 4 elements as follows:-

- Proposed 62 bed hotel (3 storey) and family pub
- Food retail (supermarket) and petrol filling station
- Retail/Leisure use block
- Proposed new café and restaurant

In addition the proposal includes a sub-station, new vehicular, pedestrian and cycle access routes and landscaping. The key elements of the scheme will be described and assessed in more detail below. The application is in outline form with only the means of access into the site included at this stage for approval. Further reserved matters applications would need to be made to seek approval for the final siting, design and appearance of the buildings proposed as well as overall site landscaping. Key information pertaining to the 4 scheme elements are given below:-

#### **Hotel and Pub**

Indicatively these buildings are shown to be located to the north-west part of the site and will be constructed adjacent to a new public square. The hotel would be 3 storey containing no bedrooms on the ground floor. The family pub would be some 752 sq.m in size with associated parking.

#### **Supermarket**

Indicatively the food store is shown to the south-east of the site towards the Sydenham Avenue side of the site. This was the location of the previously proposed food store. The food store has been reduced in size from the permitted one going from circa 90,000sq ft previously to around 76,000sq.ft. The store is shown to be accessed off Wellington Road with a linked petrol filling station and over 400 parking spaces. The submitted Planning Statement makes reference to the food store being split between 65% convenience goods (foods) and 35% comparison goods (clothes etc) as with most of the popular super markets. The statement also goes on to suggest one of the “big four” operators will locate in this store.

#### **Retail/Leisure block**

Indicatively this block of units is shown to be located to the north-east side of the site abutting West Parade and Sydenham Avenue. The units could provide up to 3,725 sq.m of gross internal area and have the flexibility to be split into up to 4 units. The applicants suggest that the main uses will be for non-food retail (comparison goods) although they have agreed to ring fence a certain proportion of this block for leisure uses. If a large leisure operator wanted to take the whole block then this would be possible. End users, however, will only be known once a marketing exercise has been undertaken.

#### **Restaurant and Café**

Indicatively shown to front onto West Parade to the north of the site. The units would be detached and enjoy sea views being approximately 203sq.m for the café and 332sq.m for the restaurant. These uses are shown to link well with the proposed public square area adjacent enticing people from the new cycle bridge opposite.

1.1.2 The scheme indicates 3 main vehicular access points into the site as shown on the layout plan at the front of this report. These include a main roundabout access off the existing Wellington Road to serve the new supermarket and petrol station. An access off West Parade to serve the new retail/leisure block as well as the proposed

detached café/restaurant units. A pedestrian/cycle crossing point will be provided on West Parade to link the opposite side of the promenade with the new access point into the site. A final access is proposed off Quay Street to serve the proposed hotel and family pub. Some 700 car parking spaces are indicated to be provided within the application site.

1.1.3 The application is supported by a number of documents which include the following:

A Design and Access Statement (DAS) – The report outlines the vision for the site. It covers all the necessary design and access statement headings. It highlights each element of the scheme referring to relevant planning policies.

A Planning Statement: - This supplements the design and access statement providing some background information to the proposal. It describes the public consultation undertaken and goes through the benefits of this scheme.

A Transport Statement and Travel Plan - This document highlights the adequacy of the local highway network to deal with the development. It emphasises how the site would be sustainable in terms of accessibility by pedestrians and cyclists as well as vehicle users. It also emphasises that the site is served well by public transport. The statement highlights some vehicle, pedestrian and cycle improvements that will be delivered as part of the scheme including better crossing points and dedicated cycle routes through the site.

A Retail Assessment – This document seeks to highlight that the proposed scheme is acceptable in retail impact terms. The document highlights the existing consent on the site for food and non-food retailing. It goes on to emphasise that there is an identified quantitative need for additional convenience goods floor space within the catchment and that there are no sequentially preferable sites closer to the town centre of Rhyl.

A Flood Consequences Assessment – This document highlights the extensive work undertaken over the last couple of years with Natural Resources Wales to ensure flood risks are adequately managed on the site.

1.2 Description of site and surroundings

The current application site consists of some 5.3ha of land formerly used as the Rhyl Fun Fair. The site has stood empty for some 7 years and has been hoarded off around its perimeter. (See site plan at front of report)

The application site **does not** now include the former Quay Street Car Park (in Council ownership) as it has done in previously approved schemes.

The site sits on two levels. The higher part of the site fronts onto West Parade to the north. The lower end has Wellington Road to the south with the Marine Lake beyond. To the east of the site is Sydenham Avenue which contains a mix of dwellings and businesses. To the west is Quay Street which still contains a Council run car park.

To the promenade side of the site much regeneration work has taken place within the harbour area including a new cycle bridge, coastal defence works and a café.

1.3 Relevant planning constraints/considerations

- 1.3.1 The site lies within the development boundary of Rhyl. The site is within the North Wales Coast Strategic Regeneration Area and is identified as a Brownfield Regeneration Priority site. It is also sited within a C1 flood zone. The planning policy considerations will be explained later in the report.

1.4 Relevant planning history

- 1.4.1 Planning permission was granted in November 2007 for a major mixed use scheme incorporating 217 residential apartments, hotel, assembly and leisure, business, retail, cafes, restaurants and public houses, car parking, new public realm and ancillary uses together with associated highways and other works, including 10 no. 6kw wind turbines and 3 no. potential PV solar installations. This scheme was subject to a s.106 legal agreement.
- 1.4.2 Planning permission was granted in December 2013 for a variation of condition on the above scheme which gave a further 2 years for the scheme to be commenced. This was effectively an extension to the original scheme. This too was subject to a s.106 legal agreement. To date the original scheme has not been commenced. The applicant has attempted to explain the delays in commencing the original scheme. The main reasons given are around the economic downturn in 2008 making the original scheme unviable to progress as well as flood risks associated with putting residential uses on this vulnerable site.

#### 1.5 Developments/changes since the original submission

- 1.5.1 The scheme has been revised during the assessment process. Firstly, further work was needed on flood risk to ensure uses, finished floor levels and emergency planning arrangements were satisfactory for NRW and the Emergency Planning Unit. Secondly, the applicant has attempted to develop more acceptable arrangements in terms of vehicular and cycle access routes into and through the site. These were done as a result of feedback from the Council's Highway Engineers as well as Sustrans (the body responsible for the National Cycle Network). Finally, the scheme has been amended to include the provision of possible leisure use floor space within the non-food retail block. This was an attempt to provide wider regeneration benefits to the scheme and to minimise any potential retail impacts on the centre of Rhyl.

#### 1.6 Other relevant background information

- 1.6.1 It should be noted that the scheme has been presented to the Rhyl Member Area Group and the applicants have addressed Rhyl Town Council previously. The existing extant planning permission for the original scheme contains a number of planning conditions. One of these conditions required the owner of the site to have a scheme of site maintenance and landscaping approved by the Council. This was an attempt by the Council to ensure the appearance of the hoarded off site be dealt with as soon as possible after the December 2013 permission. The Council have not approved such a scheme to date and a Breach of Condition Notice has been served on the owners.
- 1.6.2 The appearance of the site, however, and the non-compliance with the previously imposed condition **cannot** be used as a reason to refuse this current planning application.

## 2. **DETAILS OF PLANNING HISTORY:**

2.1 45/2006/1200/PF - Demolition and redevelopment of 7.625 hectares of land to provide a mixed use development comprising 217 residential apartments, hotel, assembly and leisure, business, retail, cafes, restaurants and public houses, car parking, new public realm and ancillary uses together with associated highways and other works, including 10 no. 6kw wind turbines and 3 no. potential PV solar installations – GRANTED by Committee 27<sup>th</sup> November 2007. **This permission included planning conditions and a s.106 legal agreement. The main elements of the s.106 legal agreement are as below:-**

- financial contribution by the developer into a "regeneration pot" in lieu of affordable housing and open space provision on site. Secured through a bond.
- CCTV links provided by the developer
- Provision of public open space by the developer
- For the developer to address the relocation of the Asda store in Kinmel Bay to the development site by putting in a planning proposal to Conwy CBC.
- For the developer to carry out flood mitigation works.
- For the developer to carry out landscaping works
- For the developer to ensure BREEAM very good ratings.

45/2012/1236/PS - Variation of Condition No. 1 of planning permission Code No. 45/2006/1200/PF (for demolition and redevelopment of 7.625 hectares of land for mixed-use development) to allow the grant of planning permission for a further 2 years – GRANTED by Committee 9<sup>th</sup> December 2013. **This permission included the s.106 obligations as set out above and relevant planning conditions, including one to address the appearance of the site.**

45/2104/0165/AC - Details of site landscaping / maintenance submitted in accordance with Condition No. 33 on planning permission Code No. 45/2012/1236/PS – REFUSED under delegated powers 6<sup>th</sup> March 2014. The reason for refusal was as follows:-

*“It is the opinion of the Local Planning Authority that the contents of the letter submitted by Zerum dated 12th February 2014 provides insufficient detail to comply with the requirements of the condition. In particular the submitted letter fails to provide details on hoarding maintenance, landscaping of the site, removal of debris and means of dust suppression. The failure to submit an adequate scheme to address the condition of the site is considered contrary to Policy RD1 of the adopted Local Development Plan (criteria i, iv, v, vi, xii, xiii).”*

### **3. RELEVANT POLICIES AND GUIDANCE:**

3.1 The main planning policies and guidance are considered to be:  
Denbighshire Local Development Plan (adopted 4<sup>th</sup> June 2013)  
Policy BSC 2: Brownfield Development Priority Allocation  
Policy PSE 1: North Wales Coast Strategic Regeneration Area.  
Policy PSE 6: Retail Economy  
Policy PSE 9: Out of Centre Retail Development  
Policy VOE 6: Water Management  
Policy ASA 3: Parking Standards

#### 3.2 Supplementary Planning Guidance

SPG – Landscaping  
SPG - Access for All  
SPG – Parking Standards

#### 3.3 Government Policy / Guidance

Planning Policy Wales Edition 6 February 2014  
Technical Advice Notes (TAN's)  
TAN 4 – Retailing and Town Centres  
TAN 5 – Nature Conservation  
TAN 11 – Noise  
TAN 12 – Design  
TAN 13 – Tourism  
TAN 14 – Coastal Planning  
TAN 15 – Development and Flood Risk  
TAN 18 – Transport  
TAN 22 – Sustainable Buildings

### **4. MAIN PLANNING CONSIDERATIONS:**

4.1 In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 6, February 2014 (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' (Section 3.1.2). 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., and that these 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 (Sections 3.1.3 and 3.1.4).

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.

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

- 4.2.1 Principle and General Policy Considerations
- 4.2.2 Visual amenity
- 4.2.3 Residential Amenity
- 4.2.4 Ecological issues
- 4.2.5 Flood Risk and drainage
- 4.2.6 Highways (including access and parking)
- 4.2.7 Access for all

4.3 In relation to the main planning considerations:

4.3.1 Principle

The site is located within the development boundary of Rhyl. The site also holds an extant permission for a major mixed use development which incorporates many of the scheme elements now proposed. Whilst this current planning application must be assessed on its merits having regard to our adopted planning policies and guidance, the planning history of the site is an important material consideration in this regard.

General Planning Policy Context

The main policies in the Local Development Plan (LDP) which are relevant to the principle of the development are:

**Policy BSC 2** – The Ocean Plaza site is allocated as a Brownfield Development Priority in the adopted Local Development Plan. Policy BSC 2 seeks to ensure that development proposals in lower growth towns such as Rhyl are directed towards previously developed land. The Ocean Plaza site is identified as having the potential to contribute towards sustainable town regeneration and economic growth. In this sense, the planning proposal would benefit from support with the site being allocated as a Brownfield Development Priority.

**Policy PSE 1** - Policy PSE 1 of the LDP seeks to ensure that the Council will support proposals which may address existing problems of deprivation in a manner consistent with sustainable development. The Ocean Plaza site occupies a key gateway location into Rhyl, and in this respect, the proposed development would help to address problems of deprivation in the identified Strategic Regeneration Area. The regeneration of this site in the manner proposed will bring jobs and opportunities for the local area. This is compliant with the intentions of the Policy.

**Policy PSE 6** – This Policy reinforces Welsh Government Policy aiming to direct new retail development towards town centres in the first instance. The application site is located outside the defined town centre of Rhyl. However, one must have careful regard to the extant permission for food and non-food retailing on the site. In addition the applicant has submitted a detailed retail impact assessment to support the current proposal. This assessment identifies a need for additional retail and stresses that there are no available sequentially preferable sites in or closer to the town centre.

**Policy PSE 9** – This Policy helps to support Policy PSE 6 above by restricting any out of town centre retail development. The proposed retail offer on the application site is well over the 500 sq.m which the Policy may allow for out of centres. However, the retail assessment undertaken highlights the regeneration benefits offered by this food store led development. It stresses that the proposal would not give rise to any significant adverse impacts upon the trade or turnover of any surrounding centre.

**Policy VOE 6 – Water Management** – This Policy seeks to ensure major developments reduce surface water run-off rates and require the developer to make reference to water management in their submission. The applicant has submitted a

drainage plan which indicates the intention to produce a sustainable, integrated drainage system for the site. Welsh Water and NRW have no objection to the proposals.

**Policy ASA 3 – Parking Standards** – This Policy seeks to ensure, in line with standards set within supplementary guidance, adequate on-site parking is provided for cars, motorcycles and cycles. In addition requisite disabled facilities are also required. Highway engineers are satisfied that the amount of car parking/disabled parking proposed to be provided on the site meets the relevant standards for a development of this type. The precise layout and detailing of the parking would be agreed in any subsequent reserved matters approval.

#### 4.3.2 Visual 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 are matters relevant to the visual impact of development; test (vi) requires that development does not unacceptably affect prominent public views into, out of, or across any settlement or area of open countryside; test (vi) requires the incorporation of existing landscape or other features, takes account of site contours, and changes in levels and prominent skylines; and test (xiii) requires the incorporation of suitable landscaping measures to protect and enhance development in its local context.

The application has been made in outline form with only the access points into the site assessed in detail at this stage. The size, scale, design and layout of the buildings within the scheme will all be subject to further planning applications (reserved matters) along with the detailed landscaping around the site. Having regard to this it is difficult to assess the visual impact of the development. However, the principle of the redevelopment of the site with large format retail buildings along with a hotel and public house has been established and still exists. The site is currently vacant, derelict and hoarded off. Any development would be an improvement on the current visual amenity provided at this gateway site. It is considered that with careful controls over the precise layout and design of buildings on the site visual impacts can be managed to greatly enhance this prominent location.

#### 4.3.3 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.

Again, as an outline application impacts on residential amenity are difficult to assess at this stage. However, it is accepted that permission exists on the site for very similar development to that which is now proposed. Controls over the proximity of buildings to dwellings on Sydenham Avenue will minimise impacts of physical structures on residential amenity. Access points into the site are generally away from Sydenham Avenue and so the means of access being assessed at this stage is considered to be acceptable. The regeneration of this large, prominent site can only improve the existing levels of residential amenity being afforded to those dwellings which have had to live next door to a hoarded off site for the past 7 years.

#### 4.3.4 Ecology

Local Development Plan Policy RD 1 test (iii) requires development to protect and where possible to enhance the local natural and historic environment. Policy VOE 5 requires due assessment of potential impacts on protected species or designated sites of nature conservation, including mitigation proposals, and suggests that



permission should not be granted where proposals are likely to cause significant harm to such interests. This reflects policy and guidance in Planning Policy Wales (Section 5.2), current legislation and SPG 18 – Nature Conservation and Species Protection, which stress the importance of the planning system in meeting biodiversity objectives through promoting approaches to development which create new opportunities to enhance biodiversity, prevent biodiversity losses, or compensate for losses where damage is unavoidable.

The site is currently hoarded off and derelict. Prior to the site being cleared ecological work was carried out to ensure bat species were considered when buildings were demolished. Conditions will be imposed on this scheme to ensure that bat enhancement features can be incorporated into any built development. Furthermore, it is considered appropriate to ensure tree planting and wildlife features are incorporated into the on-site landscaping ensuring no invasive species are used.

#### 4.3.5 Flood Risk and Drainage

Local Development Plan Policy RD 1 test (xi) requires that development satisfies physical or natural environmental considerations relating to drainage and liability to flooding. Planning Policy Wales Section 13.2 identifies flood risk as a material consideration in planning and along with TAN 15 – Development and Flood Risk, provides a detailed framework within which risks arising from different sources of flooding should be assessed.

The scheme differs to the extant one in so much as no residential uses are proposed. This is largely to do with the identified flood risks at the site. Extensive work has been carried out by the developer in liaison with NRW to ensure the proposed uses and their locations on the site are acceptable from a flood risk perspective. NRW are keen to ensure conditions are imposed which address the management of flood risk. This will include ensuring certain uses are located at certain parts of the site and sustainable surface water systems are in place to deal with run-off.

#### Highways (including access and parking)

Local Development Plan Policy RD 1 tests (vii) and (viii) oblige provision of safe and convenient access for a range of users, together with adequate parking, services and manoeuvring space; and consideration of the impact of development on the local highway network 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. These policies reflect general principles set out in Planning Policy Wales (Section 8) and TAN 18 – Transport, in support of sustainable development.

Highway Officers have assessed the proposed access points into the site as acceptable to serve this type of mixed use development. In Officers' opinion there are no highway grounds to oppose the development of the application site. Conditions will control precise details and the provision of pedestrian and cycle routes.

#### Access for all

Local Development Plan RD 1 test (vii) obliges consideration be given to safe and convenient access for disabled people within developments. It is considered that the access points into the site can be designed to ensure safe and convenient access for pedestrians, cyclists and wheelchair users. As no details of the design of buildings are being assessed at this stage (this will come within future reserved matters applications) impacts on disabled persons cannot be fully assessed. Such matters will be dealt with at that stage. However, based on the submitted information within the design and access statement the developers appreciate the relevant legal requirements in this regard.

## 5. SUMMARY AND CONCLUSIONS:

- 5.1 The site is located within the development boundary of Rhyl and holds an extant planning permission for a mixed use development similar to the one now proposed.

The main differences to the extant permission are the lack of housing within this scheme (due to flood risk concerns), the reduced super market (food) floor space but the increased comparison goods floor space. Comparison retail is described as goods which are not food, drinks, tobacco, magazines (things normally sold in super markets). Comparison goods are normally sold within defined town centres.

The application has been made in outline form with only the means of access and the principle of the types of uses being assessed at this stage. As such, given our Highway Officers are content with the access arrangements for this development the issues to be considered are whether the scheme elements comply with the planning policies in the adopted LDP.

The site is allocated as a Brownfield Development Priority (Policy BSC2) which means it has the potential to contribute towards regeneration of the town and economic growth. Whilst concerns have been raised as to the potential retail impact of the development on the existing town centre of Rhyl it is felt that conditions can be imposed which seek to limit the comparison goods floor space and to promote more leisure use. This would serve to enhance the overall regeneration benefits of the scheme and to minimise any negative impacts on the already vulnerable town centre.

Having regard to the above it is felt that this application warrants Officer support.

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

1. Approval of the details of the appearance, landscaping, layout and scale of the buildings on the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before the commencement of any development.
2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of two years from the date of this permission.
3. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of one year from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. The interim landscaping works indicated on plan 08215-P303 shall be fully implemented on or before 30th June 2015 to the satisfaction of the Local Planning Authority and maintained as such thereafter.
5. Development on the site (excluding that covered by condition 4) shall only proceed in strict accordance with a phasing strategy to be submitted to and approved in writing by the Local Planning Authority.
6. There shall be no occupation of buildings permitted in each phase of the development until the following services and infrastructure are completed for those buildings in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Only those details subsequently agreed for each phase of development shall be implemented thereafter.
  - \* The vehicular, cycle and pedestrian access and parking facilities including internal estate road layout and junctions.
  - \* Integrated foul, surface and ground water drainage infrastructure.
  - \* Flood works as set out the approved FCA
7. Prior to the commencement of each phase of development, including demolition works, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority for that phase. Construction/demolition in each phase shall not be carried out otherwise than in accordance with the approved CEMP unless amendments have been agreed in writing by the LPA. The CEMP shall include the following details:-

- \* Measures for construction/site traffic management to include the access, parking, turning, loading and unloading of all vehicles using the construction site.
  - \* Measures for construction/site management to include the access, parking, turning, loading and unloading of all vehicles using neighbouring sites via any shared access.
  - \* Piling techniques if necessary
  - \* Storage of plant and machinery
  - \* Provision of site security to include hoarding and lighting
  - \* Protection of trees, hedgerows and other natural features
  - \* Proposed means of dust suppression and noise mitigation
  - \* Measures to deal with any mud from vehicles on shared access roads or on nearby County roads during construction
  - \* All construction/demolition working and operational times
  - \* Details of the outside storage of spoil or other excavated material including location and height of storage.
8. The development hereby permitted shall be carried out in accordance with the approved Flood Consequences Assessment (FCA) (Waterco Limited, w1216140529-FCA) and the mitigation measures contained therein. The mitigation measures shall be fully implemented prior to the occupation of any building on site or as shall be further agreed in writing with the Local Planning Authority.
  9. The development hereby permitted (excluding that covered by condition 4) shall not be commenced until such time as a surface water drainage scheme based on sustainable drainage principles with an assessment of the hydrological and hydro geological context of the site, has been submitted to and approved in writing by the LPA. Only those details subsequently agreed shall be implemented thereafter.
  10. The development hereby permitted (excluding that covered by condition 4) shall not be commenced until such time as a scheme for the management of overland flow associated with the exceedance of the surface water drainage system and wave splash-over from the coastal flood defences has been submitted to and approved in writing by the LPA. Only those details subsequently approved shall be implemented thereafter.
  11. A maximum of \_\_\_\_sq.m of comparison retail floor space will be provided across the development site.
  12. A minimum of \_\_\_\_sq.m of Class D2 leisure floor space will be provided across the development site.
  13. Notwithstanding the submitted plans there shall be no direct vehicular access or egress into/from the site from Quay Street.
  14. Prior to the commencement of each phase of the development hereby permitted (excluding that covered by condition 4) a scheme for the parking, turning, loading and unloading of vehicles along with a car park management strategy shall be submitted to and approved in writing by the LPA. The car park management strategy shall include any barrier details, CCTV arrangements and ticketing/enforcement arrangements. Any subsequently approved details shall be implemented and maintained in full thereafter unless otherwise agreed in writing by the LPA.
  15. Prior to the commencement of each phase of development hereby permitted (excluding that covered by condition 4) a scheme indicating how pedestrians and cyclists shall enter and leave the site shall be submitted to and approved in writing by the LPA. Only those details subsequently approved shall be implemented and maintained thereafter.

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

1. In order to comply with the provisions of section 92 of the Town and Country Planning Act 1990.
2. In order to comply with the provisions of section 92 of the Town and Country Planning Act 1990.
3. In order to comply with the provisions of section 92 of the Town and Country Planning Act 1990.
4. In the interests of visual amenity and to ensure the appearance of the site is addressed as soon as reasonably possible.

5. In order to ensure development is progressed within a reasonable time frame having regard to various constraints.
6. In order to ensure a good standard of development for each phase having regard to various constraints.
7. In order to ensure development proceeds in a safe and satisfactory manner.
8. In order to manage the risk of flooding.
9. In order to manage the risk of flooding and to apply sustainable principles to water management.
10. In order to manage the risk of flooding and to apply sustainable principles to water management.
11. In the interests of the vitality and viability of the town centre of Rhyl.
12. In the interests of the vitality and viability of the town centre of Rhyl.
13. In the interests of the safe movement of pedestrians and cyclists.
14. In the interests of highway safety.
15. In the interests of highway safety.

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

Your attention is drawn to the following advice and information on protection from flooding on the following websites:-

ODPM publication 'Preparing for Floods: Interim Guidance for Improving the Flood Resistance of Domestic and Small Business Properties' on the Planning Portal website:

<http://www.planningportal.gov.uk>

<http://www.environment-agency.gov.uk/static/documents/Research/AdvisoryCommentsfz2.pdf>

To secure a supply of mains water it will be necessary for a service pipe to be laid by, or at the expense of, the developer. Where any part of the service pipe is to be laid in a street only Dwr Cymru Welsh Water may undertake that portion of the work.

The developer will need to discuss the provision of a water supply and should contact the Distribution Manager, Allt y Ffynnon, Alltami Road, Mold, Flintshire CH7 6HD.

Your attention is drawn to the attached Highway Supplementary Notes Nos. 1, 3, 4, 5 & 10. The Highway Authority advise that there will be a need for a Section 278 Agreement under the Highways Act to be entered into prior to the commencement of the development. Your attention is drawn to the attached Part N form (New Road and Street Works Act 1991).