

Heading:

REFERENCE NO. 45/2015/0410/AC  
OCEAN BEACH SITE  
WELLINGTON ROAD, RHYL

Graham Boase  
Head of Planning & Public Protection  
Denbighshire County Council  
Caledfryn  
Smithfield Road  
Denbigh  
Denbighshire LL16 3RJ

Tel: 01824 706800 Fax: 01824 706709

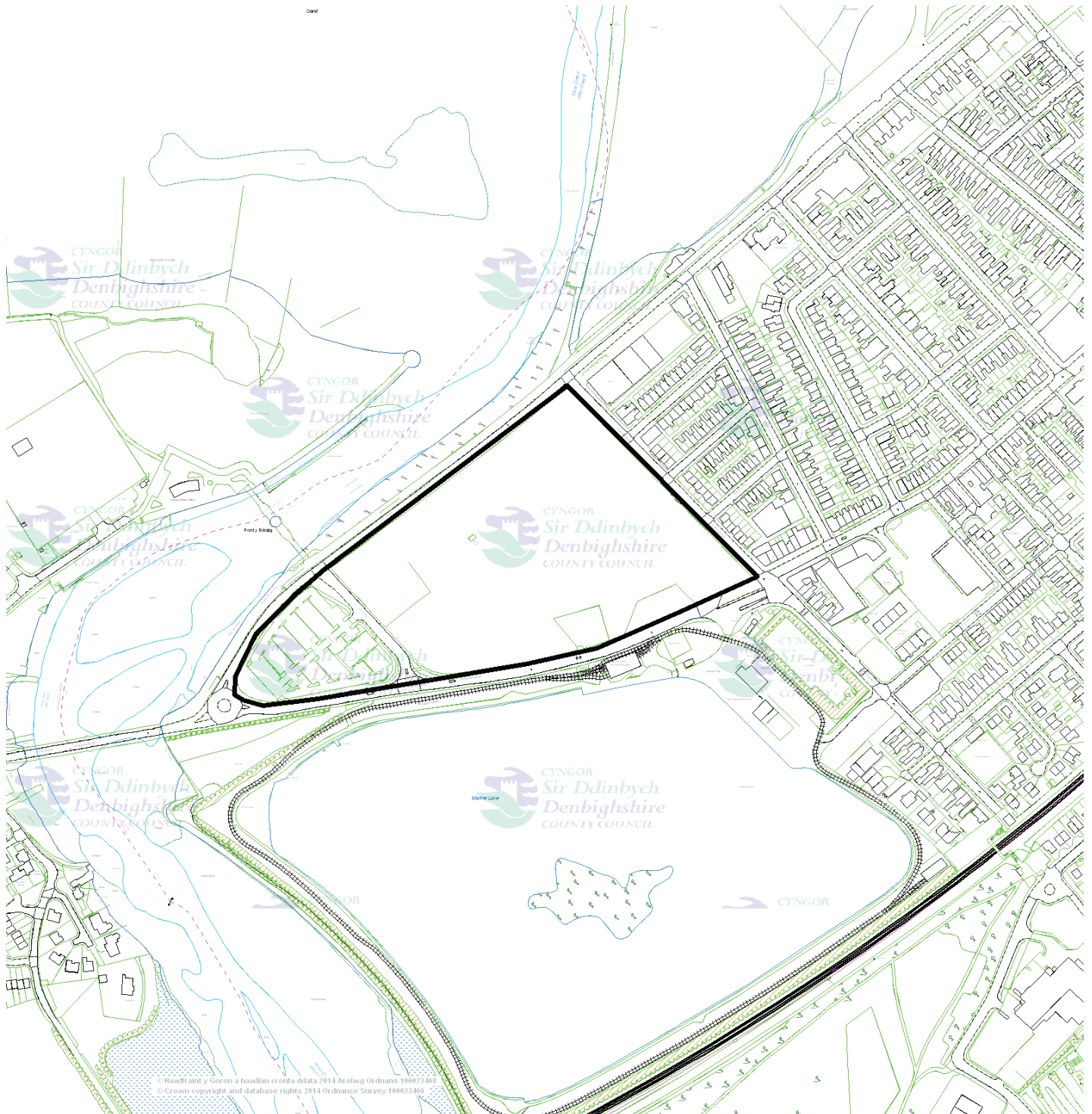


Date 28/5/2015

Scale 1/5000

Centre = 299878 E 380794 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.



This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office. © Crown copyright. Unauthorized reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Denbighshire County Council. 100023408. 2011.

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



**NOTES**

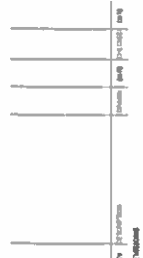
1. This plan shows the proposed development in accordance with the planning permission granted by Scarborough Council on 14th November 2011. It is intended to be used in conjunction with the planning permission and the relevant planning application. It is not to be used as a basis for any other planning application or for any other purpose.

2. The proposed development is shown in red on this plan. It is intended to be used in conjunction with the planning permission and the relevant planning application. It is not to be used as a basis for any other planning application or for any other purpose.

3. The proposed development is shown in red on this plan. It is intended to be used in conjunction with the planning permission and the relevant planning application. It is not to be used as a basis for any other planning application or for any other purpose.

**GRAPHIC STATEMENT KEY**

1. Boundary  
2. Boundary  
3. Boundary  
4. Boundary  
5. Boundary  
6. Boundary  
7. Boundary  
8. Boundary  
9. Boundary  
10. Boundary  
11. Boundary  
12. Boundary  
13. Boundary  
14. Boundary  
15. Boundary  
16. Boundary  
17. Boundary  
18. Boundary  
19. Boundary  
20. Boundary  
21. Boundary  
22. Boundary  
23. Boundary  
24. Boundary  
25. Boundary  
26. Boundary  
27. Boundary  
28. Boundary  
29. Boundary  
30. Boundary  
31. Boundary  
32. Boundary  
33. Boundary  
34. Boundary  
35. Boundary  
36. Boundary  
37. Boundary  
38. Boundary  
39. Boundary  
40. Boundary  
41. Boundary  
42. Boundary  
43. Boundary  
44. Boundary  
45. Boundary  
46. Boundary  
47. Boundary  
48. Boundary  
49. Boundary  
50. Boundary  
51. Boundary  
52. Boundary  
53. Boundary  
54. Boundary  
55. Boundary  
56. Boundary  
57. Boundary  
58. Boundary  
59. Boundary  
60. Boundary  
61. Boundary  
62. Boundary  
63. Boundary  
64. Boundary  
65. Boundary  
66. Boundary  
67. Boundary  
68. Boundary  
69. Boundary  
70. Boundary  
71. Boundary  
72. Boundary  
73. Boundary  
74. Boundary  
75. Boundary  
76. Boundary  
77. Boundary  
78. Boundary  
79. Boundary  
80. Boundary  
81. Boundary  
82. Boundary  
83. Boundary  
84. Boundary  
85. Boundary  
86. Boundary  
87. Boundary  
88. Boundary  
89. Boundary  
90. Boundary  
91. Boundary  
92. Boundary  
93. Boundary  
94. Boundary  
95. Boundary  
96. Boundary  
97. Boundary  
98. Boundary  
99. Boundary  
100. Boundary



**Scarborough**  
Development Group

**NW-ARCHITECTS**

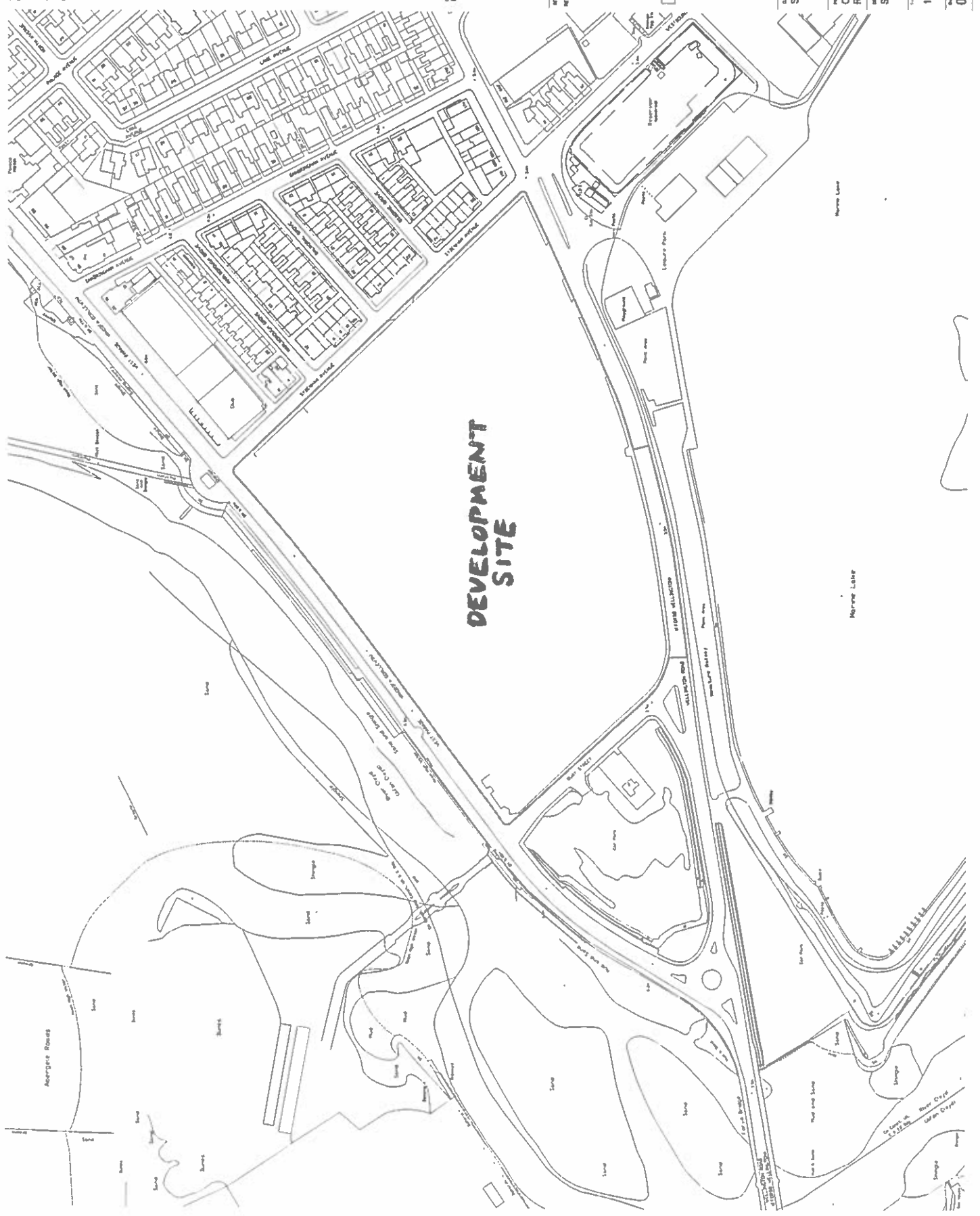
Scarborough Development Group  
Ocean Plaza, Wellington Road  
Rhyll

Scale Plan Existing

1:1000 @ A1

08215-S100

Project	08215-S100
Client	Scarborough Development Group
Location	Ocean Plaza, Wellington Road, Rhyll
Date	14/11/2011
Scale	1:1000 @ A1
Author	NW-ARCHITECTS
Check	NW-ARCHITECTS
Drawn	NW-ARCHITECTS
Scale	1:1000 @ A1
Project	08215-S100





**WARD NO:** Rhyl West

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

**APPLICATION NO:** 45/2015/0410/PS

**PROPOSAL:** Variation of condition no. 4 of outline planning permission code no. 45/2013/1510 to allow the implementation of interim landscaping works on or before 31st October 2015

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

**APPLICANT:** Scarborough Development Group

**CONSTRAINTS:** None

**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

**CONSULTATION RESPONSES:**

RHYL TOWN COUNCIL

None received at time of preparing report.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

Valuation and Estates Manager - The Council is anxious to see the Ocean Plaza site redeveloped and the sea defence works are a critical prerequisite for this to happen. By its nature, sea defence involves very large quantities of material which need to be available in close proximity to the works if cost & vehicle movements are to be kept to a minimum. The only other site for a compound would have been the Council's adjacent car park and use of this site would have had a significant visual impact & loss of amenity (it is not practical or cost effective to move the compound at this stage). Any landscaping of the Ocean Plaza site will have little or no impact whilst the sea defence works are ongoing.

**RESPONSE TO PUBLICITY:**

None

**EXPIRY DATE OF APPLICATION: 18/6/2015**

**REASONS FOR DELAY IN DECISION:**

- awaiting consideration by Committee

**PLANNING ASSESSMENT:**

**1. THE PROPOSAL:**

**1.1 Summary of proposals**

The proposal seeks to vary a previously imposed planning condition on the current governing outline planning consent for the Ocean Plaza site (see Relevant Planning History section below).

The relevant condition (No.4) was imposed as follows:

*“The interim landscaping works indicated on plan 08215-P303 shall be fully implemented on or before 30<sup>th</sup> June 2015 to the satisfaction of the Local Planning Authority and maintained as such thereafter.”*

Due to on-site circumstances explained below (See Other Relevant Background Information) the applicant is seeking to vary the above condition to allow an extended period for the interim landscaping works to be carried out. This extended period is proposed to be to 31<sup>st</sup> October 2015.

The relevant interim landscaping plan is shown at the front of this report. (See Plan A)

## 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.

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.

## 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.

1.4.3 Outline planning permission was granted in February 2015 for a new mixed use scheme on the Ocean Plaza site. This scheme incorporated the 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. This permission was subject to a s.106 legal agreement and also contained the relevant condition 4 outlined above.

## 1.5 Developments/changes since the original submission

None

## 1.6 Other relevant background information

1.6.1 Historically part of the Ocean Plaza site has been used by the Council as a site compound during phased work to improve the sea defences. This compound has been located to the northern part of the site close to the area around the harbour where major sea defence works have been undertaken in recent years.

1.6.2 There was a period of inactivity after phase 2 of the sea defence works where the compound area was unused and closed off. The reason for this was that the phase 3 works to create a revetment area on the promenade had not been finalised and

agreed. These phase 3 works are now on-going meaning the use of the compound located on the Ocean Plaza site is required until completion of phase 3.

1.6.3 The granting of the most recent outline consent for the redevelopment of the Ocean Plaza site required a scheme of interim landscaping works to be carried out to the northern part of the site adjacent to the promenade. This was required in order to improve the visual appearance of the site which had blighted this area of Rhyl for some years. Given the potential further time periods between granting outline consent for redevelopment and actual development taking place it was felt reasonable to require an interim landscaping scheme to the northern part of the site. The consent required this interim scheme to be implemented by 30<sup>th</sup> June 2015. Given the continued requirement for the sea defence compound to be on the site of these interim landscaping works it is deemed necessary to require a variation of the imposed condition to enable the sea defence works to be completed.

1.6.4 It is anticipated that these works will be completed around July 2015. As such, extending the period for the landscaping works to be carried out to 31<sup>st</sup> October 2015 should allow sufficient time after the use of the compound on site has ceased.

## 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).”*

45/2013/1510/PO - 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) – GRANTED by Committee 12<sup>th</sup> November 2014 subject to a s.106 agreement.

Agreement signed and decision issued **24th February 2015. Condition 4, the subject of this application, imposed.**

### **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 Policy Considerations
- 4.2.2 Impact on visual amenity

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. The governing outline consent will remain with all previously imposed conditions and the s.106 agreement valid. The principle of varying a single condition relating to the implementation of an interim landscaping scheme is accepted and must be assessed in isolation to the main outline consent. The main material planning issue in this instance is the impact which an extended period for implementation of the landscaping will have on the visual



amenities of the area.

#### 4.3.2 Impact on 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.

It is acknowledged that the current visual appearance of the site is causing detriment to the site and surroundings. This is caused by the continued presence and poor state of the hoardings located to its perimeter. The intention was to remove hoardings from the northern part of the site and to landscape an area along the promenade by 30<sup>th</sup> June 2015.

The applicants have stated in the submission that they have been willing to undertake the intended interim landscaping work. However, this would have significantly impacted on the ability of another part of the Council to complete the vital sea defence works as another site compound would have needed to be found. This was explored, however, even if a nearby alternative compound could have been found the visual amenity of this area of Rhyl would still have been characterised by construction activity until the sea defence works would have been completed. The interim landscaping works proposed would not have greatly improved the visual appearance or accessibility of the promenade area along West Parade until the sea defence works were finished.

As such, Officers feel, in this instance, it is reasonable to allow a variation of the imposed condition to enable the compound on the site to continue to be used. By extending the period for implementation of the landscaping scheme until 31<sup>st</sup> October 2015 it allows the sea defence works to be completed, construction activity related to that development to cease and this gives the applicants better prospects of carrying out their required works without disturbance.

## **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.

Circumstances relating to the completion of a significant sea defence project and the use of a key part of the site as a compound for these works mean that the applicant has to extend the period for implementation of interim landscaping works on site. Officers feel that this is a reasonable proposal which will enable a key regeneration project to be completed for the benefit of the town.

## **RECOMMENDATION: GRANT**

### **NOTES TO APPLICANT:**

All conditions imposed on governing planning permission ref: 45/2013/1510/PO still apply apart from condition 4 which now reads:

The interim landscaping works indicated on plan 08215-P303 shall be fully implemented on or before 31st October 2015 to the satisfaction of the Local Planning Authority and maintained as such thereafter.