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45/2017/0384 - Former Drift Park, West Parade, Rhyl

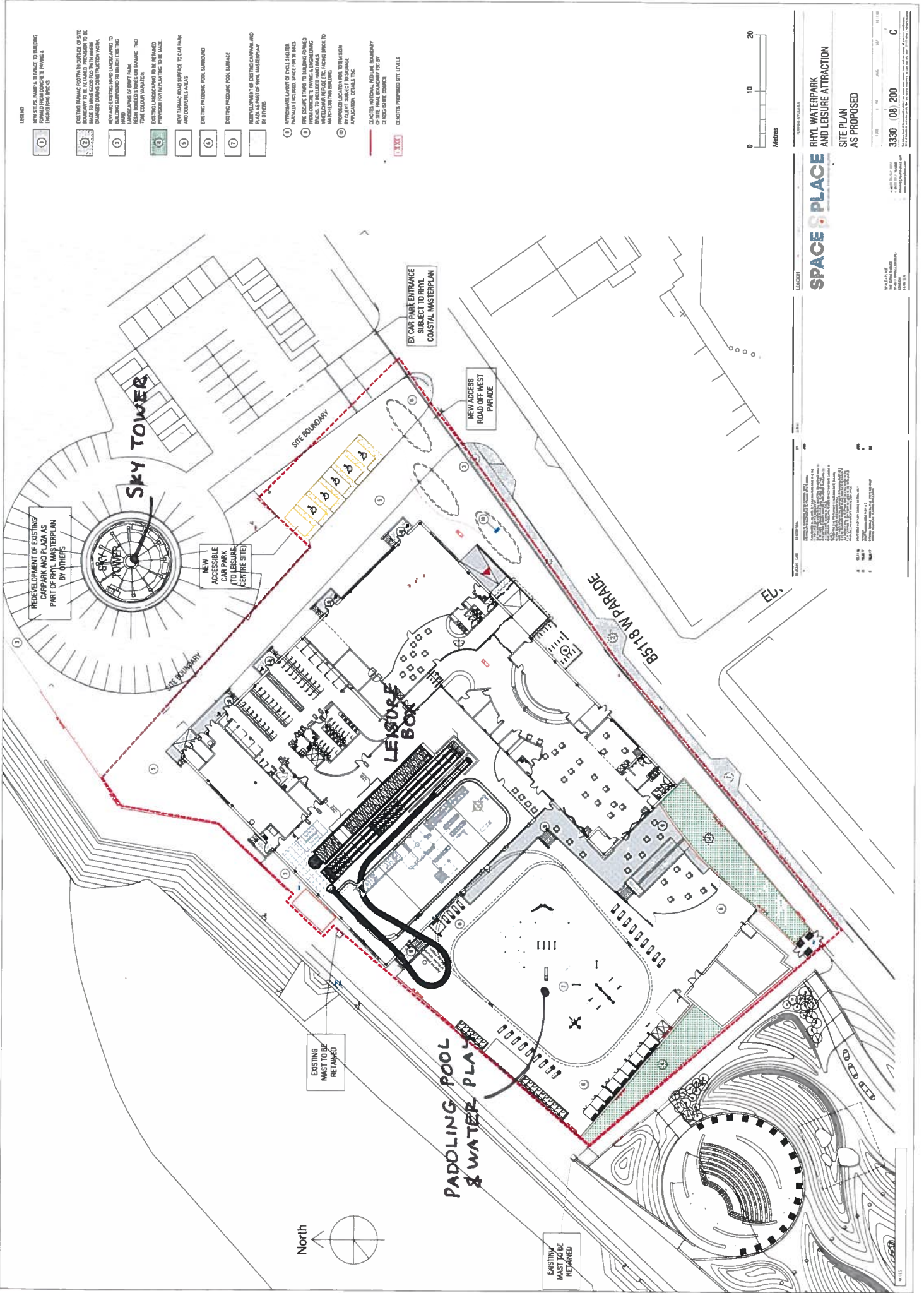
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PROPOSED SITE PLAN



- LEGEND**
- ① NEW TAMARIC ROADS SURFACE TO CAR PARK AND OCCUPYING AVIARY AS PART OF RHYL MASTERPLAN BY OTHERS
 - ② EXISTING TAMARIC FOOTPATH OUTSIDE OF SITE TO BE REDEVELOPED TO MATCH EXISTING TAMARIC ROADS SURFACE TO CAR PARK AND OCCUPYING AVIARY AS PART OF RHYL MASTERPLAN BY OTHERS
 - ③ NEW AND EXISTING HARD LANDSCAPING TO MATCH EXISTING TAMARIC ROADS SURFACE TO CAR PARK AND OCCUPYING AVIARY AS PART OF RHYL MASTERPLAN BY OTHERS
 - ④ EXISTING LANDSCAPING TO BE REDEVELOPED TO MATCH EXISTING TAMARIC ROADS SURFACE TO CAR PARK AND OCCUPYING AVIARY AS PART OF RHYL MASTERPLAN BY OTHERS
 - ⑤ NEW TAMARIC ROADS SURFACE TO CAR PARK AND OCCUPYING AVIARY
 - ⑥ EXISTING PAVED POOL SURROUND
 - ⑦ EXISTING PAVED POOL SURFACE
 - ⑧ REDEVELOPMENT OF EXISTING CARPARK AND PLAZA AS PART OF RHYL MASTERPLAN BY OTHERS
 - ⑨ APPROXIMATE LOCATION OF CYCLE SHED
 - ⑩ NEW ESCAPE ROUTE TO BE PROVIDED FROM CONCRETE PAVING A LIGHTWEIGHT BRICKS TO INCLUDE HAND RAILS
 - ⑪ PROPOSED ESCAPE ROUTE WITH AN AREA OF CONCRETE PAVING TO BE PROVIDED TO MATCH EXISTING BUILDING
 - ⑫ PROPOSED ESCAPE ROUTE WITH AN AREA OF CONCRETE PAVING TO BE PROVIDED TO MATCH EXISTING BUILDING
 - ⑬ EXISTING INTERNAL AND LINE BOUNDARY OF SITE FROM BOUNDARY THE RY DEVELOPMENT COURSE
 - ⑭ EXISTING PROPOSED SITE LEVELS



SPACE PLACE
RHYL WATERPARK AND LEISURE ATTRACTION
SITE PLAN AS PROPOSED

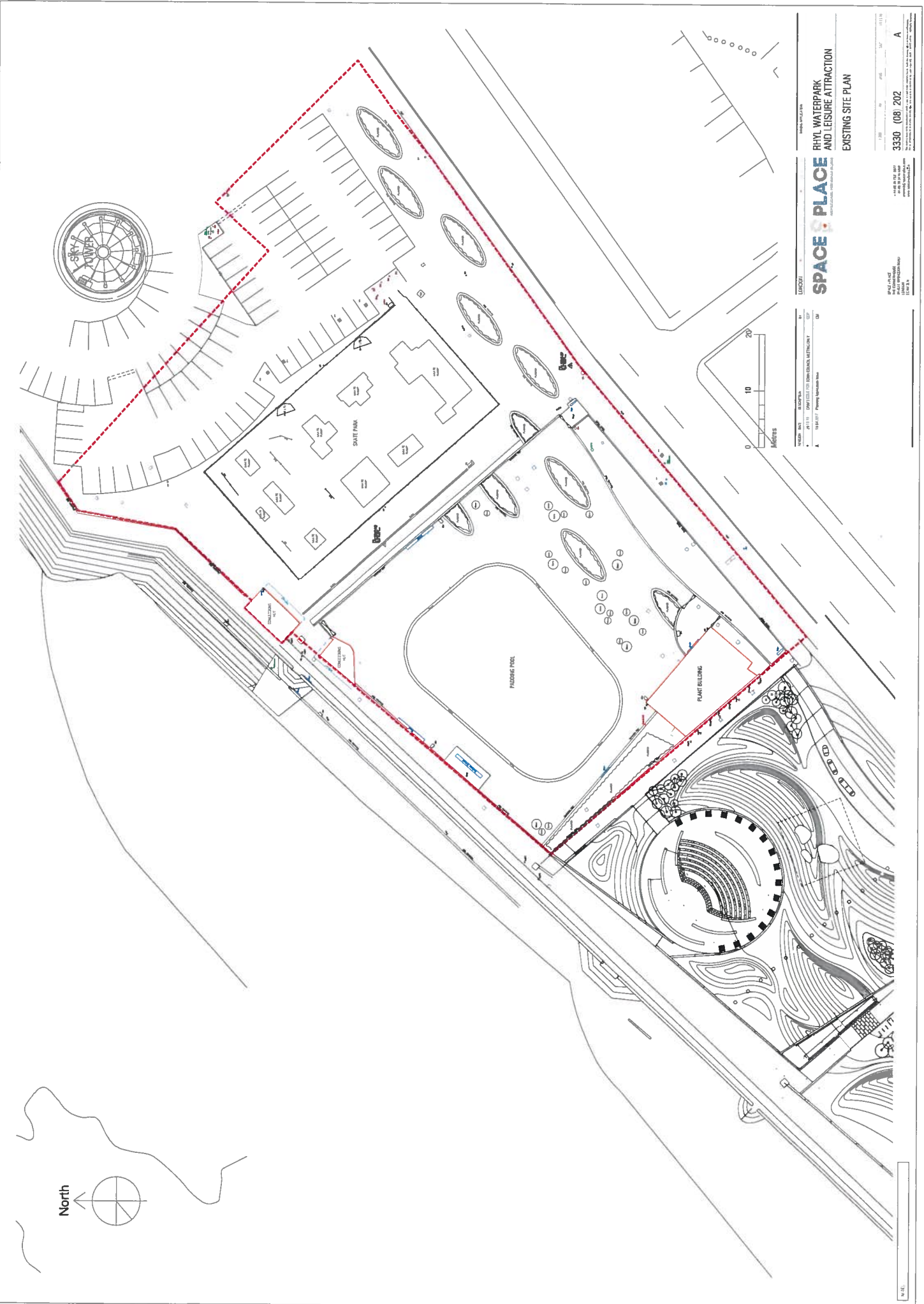
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DATE: 11/11/10
DRAWN: [Name]
CHECKED: [Name]
APPROVED: [Name]

NOTES

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EXISTING SITE PLAN

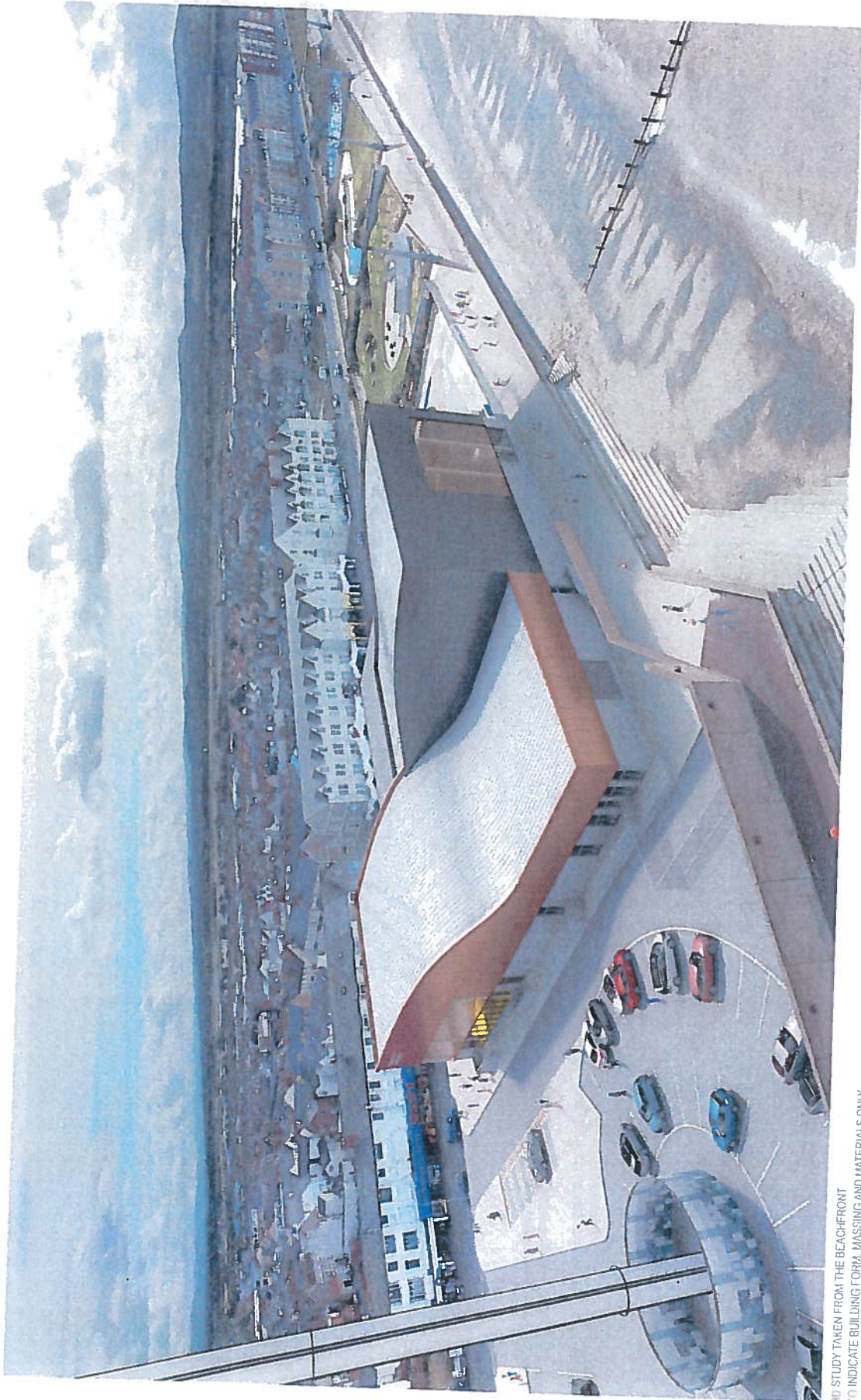


SPACE PLACE
PHYL WATERPARK AND LEISURE ATTRACTION
EXISTING SITE PLAN

DATE: 08/2022
PROJECT: PHYL WATERPARK AND LEISURE ATTRACTION
DRAWN BY: [Name]
CHECKED BY: [Name]

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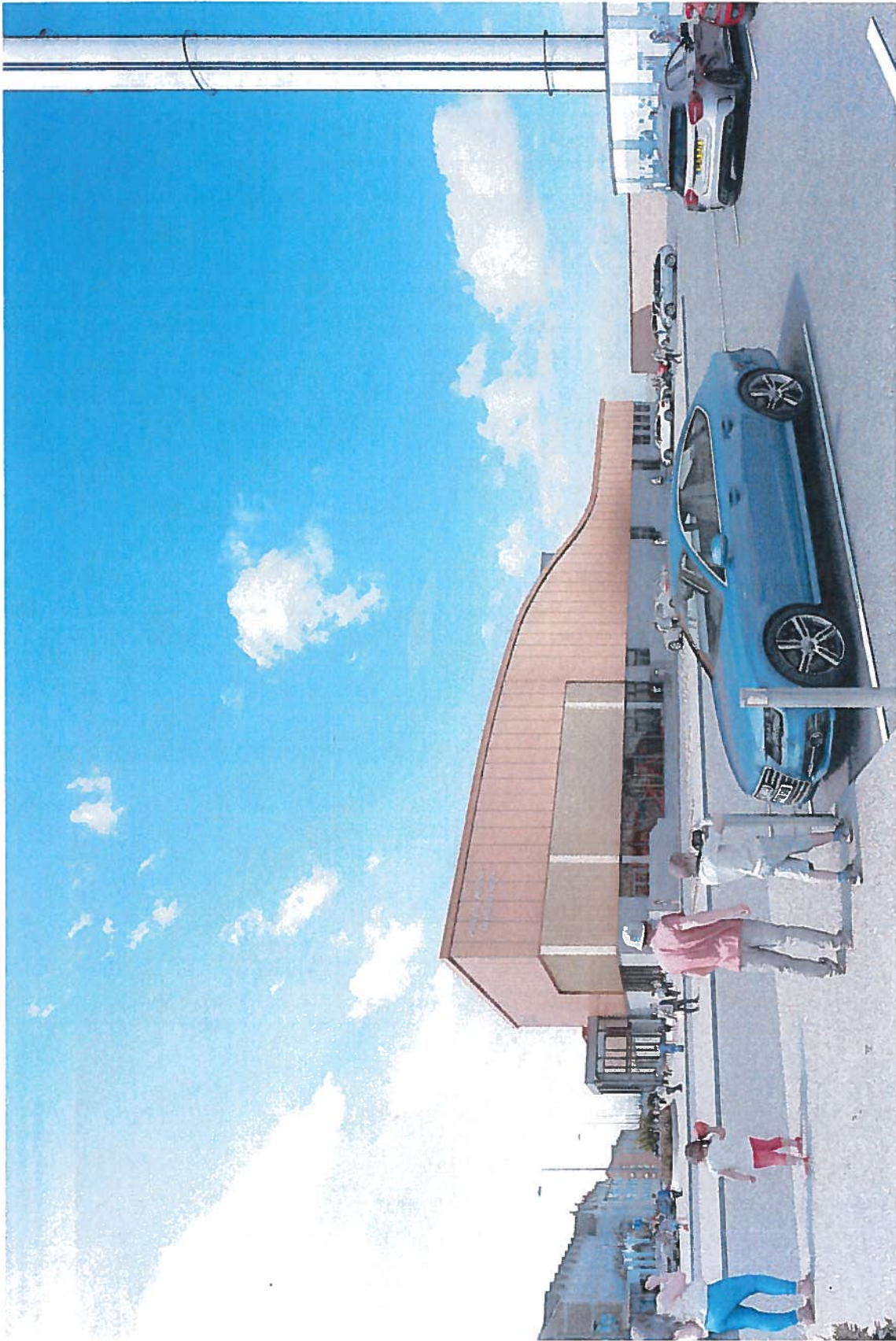




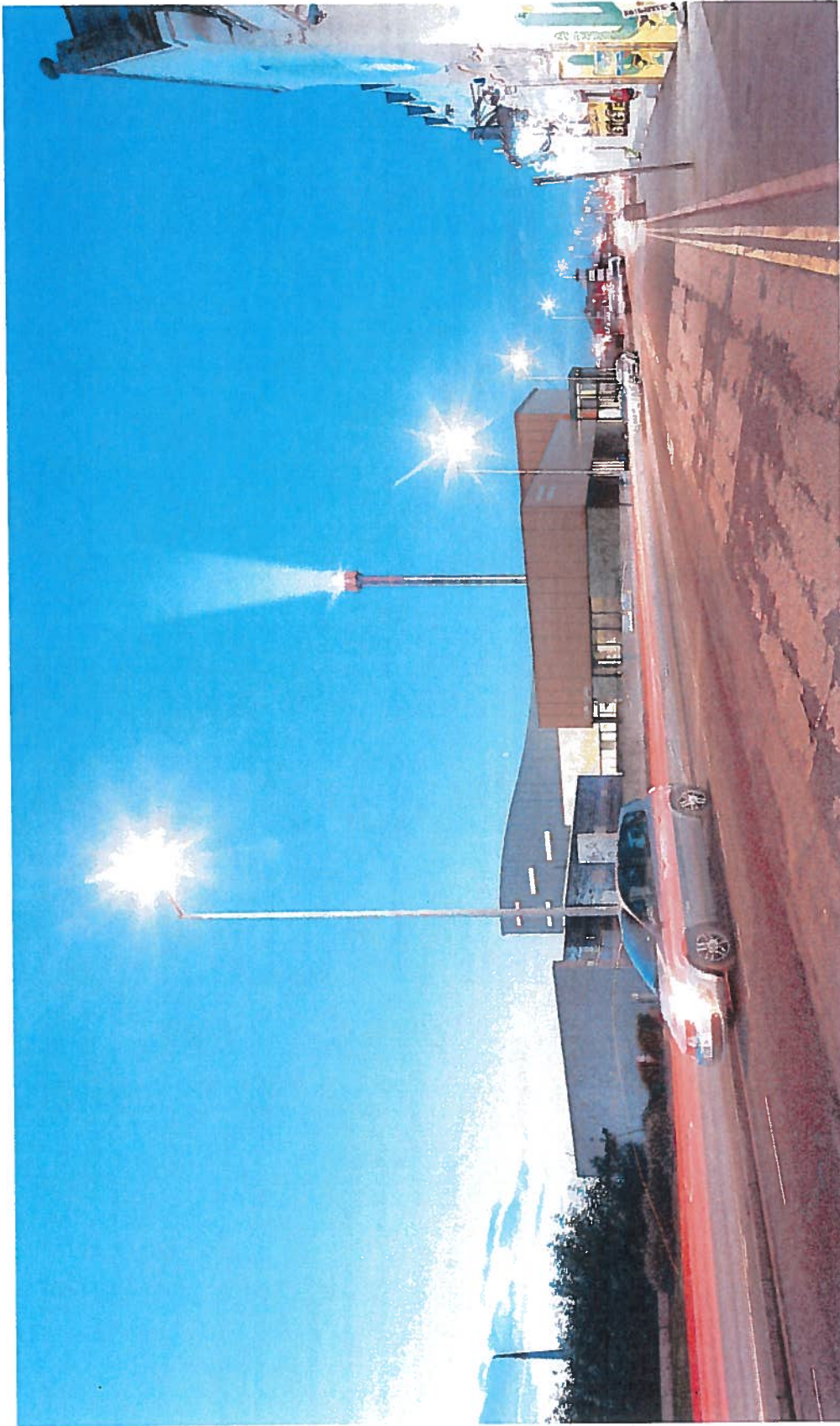
3D STUDY TAKEN FROM THE BEACHFRONT TO INDICATE BUILDING FORM, MASSING AND MATERIALS ONLY. DETAIL OF SURROUNDING LANDSCAPE TBA

PLANNING APPLICATION

SPACE . PLACE



3D STUDY LOOKING WEST ALONG WEST PARADE
 TO INDICATE BUILDING FORM, MASSING AND MATERIALS ONLY
 -DETAIL OF SURROUNDING LANDSCAPE TBA



3D STUDY LOOKING EAST ALONG WEST PARADE

WARD : Rhyl West

WARD MEMBER(S): Alan James
Joan Butterfield (c)

APPLICATION NO: 45/2017/0384/ PF

PROPOSAL: Demolition of existing skate park and ancillary retail huts. Construction of new Waterpark and Leisure Attraction comprising:- Indoor leisure pool with flumes, slides, play structure, and water confidence area, changing areas, kids' play, party rooms & climbing activities, café / licensed bar, outdoor paddling pool with play equipment, indoor/outdoor seating areas, ancillary accommodation and plant room

LOCATION: Former Drift Park West Parade Rhyl

APPLICANT: Ms Julia Goddard, Alliance Leisure Services

CONSTRAINTS: 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

- Major scheme - referral by Head of Service / Development Manager

CONSULTATION RESPONSES:

RHYL TOWN COUNCIL

"No objection subject to a condition requiring that a replacement skateboard park is installed and operational prior to the removal of the existing facility."

NATURAL RESOURCES WALES

No objection subject to conditions to deal with biosecurity, floodrisk (site levels), drainage, and potential for contamination.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

Head of Highways and Infrastructure

- Highways Officer

No objection subject to conditions relating to access detailing, parking and a construction method statement.

Pollution Control Officer

Awaiting response.

Archaeologist

No objection, there are no known archaeological sites in the area.

Ecologist

No objection, subject to conditions relating to biosecurity/ planting.

Strategic Planning and Policy

No objection, proposal is broadly in line with local and national policy.

RESPONSE TO PUBLICITY:

In objection

Representations received from:

Heather Clarke, 4 Parc Edith, Rhuddlan

Janette Logan, Palace Fun Centre, 38-45 West Parade, Rhyl

Summary of planning based representations in objection:

Concerns over the loss of the skate park.

Concerns over the introduction of an additional play facility in the vicinity of others.

EXPIRY DATE OF APPLICATION: 15/06/2017

EXTENSION OF TIME AGREED. To 14/07/2017

REASONS FOR DELAY IN DECISION (where applicable):

- awaiting consideration by Committee

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 The application proposes the erection of what is referred to in the application documents as a 'waterpark and leisure attraction', which is to be facilitated by the demolition of the existing skate park and ancillary retail huts to the north of West Parade in Rhyl.
- 1.1.2 The proposed waterpark comprises of an indoor leisure pool, with flumes, slides, water confidence area, changing facilities, children's play area, indoor and outdoor seating areas, ancillary accommodation and plant rooms. The existing paddling pool will be upgraded and incorporated into the new facility.
- 1.1.3 The building would take the form of two linked 'wedges' with curved roofs. The overall height of the building would range from 14.5 metres at the highest point to 7 metres at the lowest point.
- 1.1.4 The building is orientated in such a way that the existing site boundaries to the Promenade and the sea defence walls would be retained. The entrance to the waterpark would be on the southern elevation facing West Parade.
- 1.1.5 The building would be finished in a range of modern materials; including polycarbonate and coloured panels with a grey brick plinth and standing seam roof.
- 1.1.6 Basic details of the scheme are included on the plans at the front of the report.

1.2 Description of site and surroundings

- 1.2.1 The waterpark is proposed on the site of the existing skate park between the Sky Tower and Drift Park on West Parade in Rhyl.
- 1.2.2 The site is bounded by the Promenade and beach to the north and the B5118 to the South.
- 1.2.3 The site is currently relatively flat and open with low boundary walls around the Drift Park and higher sea defence walls to the northern boundary.
- 1.2.4 Opposite the site on West Parade there are three storey Victorian terraces with commercial food and drink and amusement type uses mainly on the ground floor with residential uses above. Further east from the Sky Tower is the Vue Multiplex cinema.

1.3 Relevant planning constraints/considerations

1.3.1 The site is located within the development boundary of Rhyl as shown on the Local Development Plan proposals map.

1.3.2 The site also within the larger area allocated under Policy PSE13 as a Tourism Coastal Protection Zone.

1.4 Relevant planning history

1.4.1 There is no planning history of direct relevance to this development.

1.5 Developments/changes since the original submission

1.5.1 None.

1.6 Other relevant background information

1.6.1 The application for the waterpark is part of a wider regeneration initiative for Rhyl seafront.

1.6.2 Members will be aware of the recent applications for the redevelopment of the area around the Pavilion at East Parade which included the theatre renewal, new hotel and restaurant. The Sky Tower has also recently had a new lighting scheme and improvements have approved at the multi-storey car park.

1.6.3 Regarding the comments of the Town Council relating to the loss of the skate park, a replacement skate park is not part of the proposal. However the Agent has been asked to address this issue and advise what the Councils plans are in relation to the provision of an alternative facility. Their response is awaited and will be reported to Members in the blue sheets.

2. **DETAILS OF PLANNING HISTORY:**

2.1 None.

3. **RELEVANT POLICIES AND GUIDANCE:**

The main planning policies and guidance are considered to be:

3.1 Denbighshire Local Development Plan (adopted 4th June 2013)

Policy RD1 – Sustainable development and good standard design

Policy RD5 – The Welsh language and the social and cultural fabric of communities

Policy BSC1 – Growth Strategy for Denbighshire

Policy BSC12 – Community facilities

Policy PSE11 – Major new tourism developments

Policy PSE13 – Coastal tourism protection zones

Policy ASA2 – Provision of sustainable transport facilities

Policy ASA3 – Parking standards

3.2 Supplementary Planning Guidance

SPG Nature Conservation and Species Protection

Parking

3.3 Government Policy / Guidance

Planning Policy Wales (Edition 9) November 2016

Development Control Manual November 2016

Technical Advice Notes

TAN 5: Nature Conservation and Planning

TAN 15: Development and Flood Risk

TAN 18: Transport

3.4 Other material considerations

Well – being of Future Generations (Wales) Act 2015

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
- 4.1.3 Residential amenity
- 4.1.4 Ecology
- 4.1.5 Drainage (including flooding)
- 4.1.6 Highways (including access and parking)
- 4.1.7 Archaeology
- 4.1.8 Impact on Welsh Language and Social and Cultural Fabric

Other matters

Well – being of Future Generations (Wales) Act 2015

4.2 In relation to the main planning considerations:

4.2.1 Principle

The site is located within the development boundary of Rhyl, as identified within the Local Development Plan. Within development boundaries, new development will, in principle be supported provided that it meets with the criteria of other policies in the Local plan and material planning considerations. This assists in working towards a sustainable pattern of development by directing most development to existing settlements thereby making the most effective use of existing infrastructure, facilities and services by reducing the need to travel.

The main LDP policies relevant to the application are;

Policy RD 1 Sustainable development and good standard design, which sets basic tests to be applied to proposals on sites within development boundaries.

Policy RD5 Welsh language and the social and cultural fabric of communities, which states the location, scale and side of development should not cause significant harm to the character and language balance of a community.

Policy BSC12 Community facilities, which supports proposals for the provision of community facilities and their retention and improvement within development boundaries as access to community facilities is an essential element of sustainable and inclusive communities.

Policy PSE11 Major new tourism developments, which supports new forms of tourism development subject to the proposal being appropriate to its setting and within the capacity of the local environment; within the capacity of the local infrastructure; accessible to all potential users; supporting and extending the range of facilities on offer within the County; assisting in the regeneration and biodiversity objectives of Denbighshire and will utilise local labour where possible.

Policy PSE13 Coastal tourism protection zones, which acknowledges the importance of the coastal areas of Rhyl and Prestatyn to the visitor economy of the area.

Policy ASA3 Parking standards, which seeks to ensure, in line with standards set within supplementary guidance, adequate on-site parking is provided for cars, motorcycles and cycles.

Planning Policy Wales provides the overarching national framework and land use policies for development management in Wales. A number of chapters are of relevance to this application;

Chapter 4 states that the planning system provides for a presumption in favour of sustainable development, para. 4.1.1 confirms the goal of the sustainable development is to “enable all people throughout the world to satisfy their basic needs and enjoy a better quality of life without compromising the quality of life of future generations.”

The Well-being of Future Generations (Wales) Act 2015 places a duty on public bodies that they must carry out sustainable development.

Chapter 7 relates to the economy and advises that it is essential that the planning system considers and makes provision for the needs of the future economy and refers to tourism as an economic land use (para 7.1.1). It goes on to say that Local Planning Authorities should adopt a positive and constructive approach to applications for economic development. In determining applications for economic land uses authorities should take account of the likely economic benefits of the development, the key factors include the number and types of jobs expected to be created and retained on site, whether and how far the development will help redress economic disadvantage or support regeneration priorities, for example by enhancing employment opportunities or upgrading the environment, and a consideration of the contribution to wider spatial strategies, for example for the growth or regeneration of certain areas.

Chapter 10 advises on the considerations to take into account when determining a planning application for retail, commercial, leisure or other uses complementary to a retail and commercial centre.

Chapter 11 acknowledges that tourism is vital to economic prosperity and job creation in Wales and advises on the importance of well located, good quality leisure development.

Regarding the principle of the development in relation to the above policies and guidance, the proposal is considered acceptable. The coastal strip between Rhyl and Prestatyn has been identified as a tourism protection zone in the LDP and the purpose of the allocation is to encourage alternative tourism and leisure provision. The Waterpark will provide an alternative facility to the Sun Centre which was demolished in late 2016. It is likely to attract short term visitors on a more regular basis. It is also noted that the development would bring economic advantages for Rhyl, both directly through employment (up to 40 full time equivalent jobs would be created), and through an increase in visitors to the town. Hence it is considered that the development offers the potential to make a further contribution to regeneration in Rhyl.

The detailed impacts of the proposals are reviewed in the following sections.

4.2.2 Visual amenity

Criteria i) of Policy RD 1 requires that development respects the site and surroundings in terms of siting, layout, scale, form, character, design, materials, aspect, micro-climate and intensity of use of land/buildings and spaces around and between buildings.

PPW paragraph 4.11.9 states that the visual appearance and scale of development and its relationship to its surroundings and context are material planning considerations when assessing planning applications.

The site occupies a prominent location on the sea front at West Parade in Rhyl. The waterpark building would be a contemporary building in contrast to the adjacent Victorian terraces, although the nearby Cinema is of relatively modern design. The waterpark would be finished in a range of modern materials, some of which would

complement the theatre redevelopment on the eastern end of the Promenade. A fully detailed landscaping plan has not been provided in support of the application, although reference is made on the plans to minimal new hard and soft landscaping.

Subject to conditions to control materials and landscaping it is considered that the proposal by virtue of its scale, appearance and layout is acceptable. The proposal is therefore considered acceptable in relation to the policies and guidance listed above.

4.2.3 Residential amenity

Test vi) of Policy RD 1 requires that proposals do not unacceptably affect the amenity of local residents and land users and provide satisfactory amenity standards itself. PPW states that proposals should be considered in terms of their effect on the amenity and existing use of land and buildings in the public interest. It is also advised that the Courts have ruled that the individual interest is an aspect of the public interest, and it is therefore valid to consider the effect of a proposal on the amenity of neighbouring properties.

As noted, there are some residential properties opposite the site on the upper floors of properties on West Parade. The waterpark is a leisure facility proposed to be operational alongside the existing open air paddling pool. Hours of operation proposed are every day from 08.00 to 22.30.

In terms of the general layout of the site and nature of the development proposed, it is acknowledged that the scheme may increase activity in the area, however, given the location, Officers do not consider that the level of activity would be unacceptably harmful to the occupiers of adjacent properties and the general public in the area. This is a town centre location where there is an existing mix of uses and historically an active evening and night-time economy. Therefore it is considered that the proposal does not raise basic concerns in relation to residential amenity.

4.2.4 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, current legislation and SPG 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 comprises of an existing skate park, kiosk buildings, paddling pool and hardstanding areas. An ecological survey was carried out to ensure protected species are not present on the site. There are no objections in relation to ecological issues. As mentioned above, an improved landscaping scheme would be required to ensure appropriate planting is incorporated into the on-site landscaping, ensuring no invasive non- natural species are used.

4.2.5 Drainage (including flooding)

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 site lies almost entirely within Zone A as defined by Welsh Government's Development Advice Map (DAM) referred to in TAN15: Development & Flood Risk. Zone A areas have little or no risk of fluvial or tidal/coastal flooding. However DAM tidal mapping does not take into account the risk of wave overtopping or climate change impacts on the development site. Given the proximity of the development site to the seafront, tidal flooding and climate change impacts therefore have to be considered. A Flood Consequences Assessment (FCA) has been submitted to demonstrate the potential consequences of a flooding event and has considered the effects of wave action during tidal flood conditions and shows that there could be a risk to structures on the site and to users of the development. As a result, the FCA makes a number of recommendations including the introduction of a minimum floor level for the building. A Flood Evacuation Report has also been produced in support of the application. In relation to drainage, the application proposes to connect foul sewage to the existing mains sewer and the connect drainage to the existing drainage system.

Natural Resources Wales have been consulted on the application and FCA, and have confirmed they have no objection in principle to the proposal subject to the imposition of planning conditions. Dwr Cymru have confirmed that the drainage strategy proposed is acceptable subject to necessary controls being imposed, including a condition relating to the timing of the development.

Having regard to the advice of NRW and Dwr Cymru, who are the relevant experts in relation to floodrisk and development, it is considered that the proposals are acceptable in respect of flood risk and drainage and are therefore compliant with the policies and guidance.

4.2.6 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.

The Highways Officer has been consulted on the application and has raised no objection to the principle of the proposal.

The application proposes the creation of a new access off West Parade for servicing the waterpark and accessing the parking area for 5 no. accessible parking bays. It is acknowledged that the number of parking spaces falls short of the maximum level set out in the Supplementary planning Guidance when calculated for the scheme. However the Agents argue that the site is within 5 minutes' walk of the town centre car parking areas at the Childrens' Village and multi-storey car park where there are over 450 car parking spaces available.

Whilst the SPG maximum parking requirements would not be met, the justification for a reduced amount of parking is acceptable in Officers' opinion on the basis of the accessible location of the site close to the town centre, where there are public car parks nearby. In Officers' opinion there are no reasonable highway grounds to oppose the development of the application site.

4.2.7 Archaeology

Local Development Plan Policy RD 1 test (iii) requires development to protect and where possible to enhance the local natural and historic environment. Planning Policy Wales (Section 6.5) sets out a range of considerations to be given to the assessment of archaeological issues, including approaches to recording and investigating potential remains in conjunction with new development.

The Council's Archaeologist has advised that the site is not located in an area of archaeological significance.

4.2.8 Impact on Welsh Language and Social and Cultural Fabric

The requirement to consider the needs and interests of the Welsh Language is set out in Policy RD 5 in the Local Development Plan.

The Community Linguistic Statement submitted with the application concludes that the proposals would have no negative impact on the needs and interests of the Welsh Language and cultural fabric of the area.

In Officers' opinion the proposal would not give rise to significant harm to the character and language balance of the community.

Other matters

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 principles of sustainability are promoted in the Local Development Plan and its policies and are taken into account in the consideration of development proposals. 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 It is the opinion of Officers that the proposal is compliant with Local Development Plan Policies and guidance in PPW. Subject to planning conditions it is therefore recommended for grant.

RECOMMENDATION: GRANT- for the following reasons:-

1. The development to which this permission relates shall be begun no later thaninsert DATE (5 years)
2. The development hereby permitted shall be carried out in accordance with details shown on the following submitted plans and documents unless specified as otherwise within any other condition pursuant to this permission:
 - (i) Proposed ground floor plan (Drawing No. 3330(08)101 rev D) received 18 April 2017
 - (ii) Proposed roof plan (Drawing No. 3330(08)102 rev E) received 18 April 2017
 - (iii) Proposed elevations (Drawing No. 3330(08)103 rev D) received 18 April 2017
 - (iv) Proposed sections (Drawing No. 3330(08)104 rev E) received 18 April 2017
 - (v) Proposed site plan (Drawing No. 3330(08)200 rev C) received 18 April 2017
 - (vi) Location plan (Drawing No. 3330(08)201 rev B) received 18 April 2017
 - (vii) Existing site plan (Drawing No. 3330(08)202 rev A) received 18 April 2017
 - (viii) Proposed boundary wall treatment (Drawing No. 3330(08)203 rev B) received 18 April 2017
 - (ix) Proposed demolition plan (Drawing No. 3330(08)204 rev B) received 18 April 2017
 - (x) Proposed new railings (Drawing No. 3330(08)205 rev A) received 18 April 2017
3. No development shall be permitted to commence on the external faces of the walls or roofs of any buildings until the written approval of the Local Planning Authority has been obtained to the

details of all the materials and finishes it is proposed to use thereon, including, where relevant, the texture, type and colour of the finish.

4. With the exception of demolition works, no development shall be permitted to commence until the written approval of the Local Planning Authority has been obtained to the details of proposals for the disposal of foul drainage and surface water drainage (including roof water) in connection with the development. The development shall proceed in accordance with the submitted details which shall include details of the timing of implementation.

5. Notwithstanding the approved plans, with the exception of demolition works, no development shall take place until the written approval of the Local Planning Authority has been obtained to a detailed scheme of hard and soft landscaping for the site, and such scheme shall include details of:

- (a) Proposed new trees, hedgerows, shrubs or vegetation, including confirmation of species, numbers, and location and the proposed timing of implementing the planting;
- (b) Proposed materials to be used on any access roads, paths and other hard surfaced areas;
- (c) Proposed earthworks, grading and mounding of land and changes in levels, retaining structures, final contours and the relationship of proposed mounding to existing vegetation and surrounding landform, and water features;
- (d) Proposed positions, design, materials and type of boundary treatment, including screen walls and fences, and the timing of implementing the treatment;
- (e) Any minor artefacts and structures, including furniture, play equipment, refuse and other storage equipment, signs,
- (f) The timing of the carrying out of the planting, landscaping, erection of screen walls and fences relative to the different elements of the development
- (g) A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscaped areas.

6. All planting, seeding or turfing, and fencing, and boundary treatment comprised in the approved details of landscaping shall be completed in the first planting season following the completion of the development. Any trees or plants which within a period of 5 years from being planted die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written approval to any variation. All screen walls and fences shall be maintained and retained as approved unless the Local Planning Authority gives written approval to any variation.

7. Notwithstanding the submitted proposals, no external lighting of the car park, service yard, waterpark building or any part of the application site shall be permitted until the written approval of the Local Planning Authority has been obtained to the detailing of all lighting columns and lights, their position, height, design, the means and intensity of illumination, hooding, hours of operation, and proposals for reduced intensity outside store operating hours, and emergency/security lighting. The development shall be carried out strictly in accordance with the details approved under this condition.

8. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors;
- ii. loading and unloading of plant and materials;
- iii. storage of plant and materials used in constructing the development;
- iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- v. wheel washing facilities;
- vi. measures to control the emission of dust and dirt during construction;
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction of works.
- viii. delivery vehicle routes to and from the site from major highway links.

9. Facilities shall be provided and retained within the site for the loading, unloading, parking and turning of vehicles in accordance with the approved plan and which shall be completed prior to the development being brought into use.

10. The development shall be carried out in accordance with the submitted JBA FCA 2016s4680 - Report September 2016.

11. The finished floor levels of the building(s) shall be set no lower than 7.45 metres above Ordnance Datum (AOD), and no work shall be permitted to commence on the building(s) until the written approval of the Local Planning Authority has been obtained to the proposed levels.

12. Prior to the commencement of development approved by this planning permission, the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

1. A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.

13. Prior to commencement of the proposed development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority. The long-term monitoring and maintenance plan shall be implemented as approved.

14. On completion of the monitoring programme a final report demonstrating that all long-term site remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to and approved in writing by the Local Planning Authority.

15. If during development contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

16. No infiltration of surface water drainage into the ground shall be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

17. Piling or any other foundation using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.

18. No development shall take place until a Biosecurity Risk Assessment has been submitted and approved to the satisfaction of the Local Planning Authority. The assessment must include (i) appropriate measures to control any Invasive Non Native Species (INNS) on site; and (ii) measures or actions that aim to prevent INNS being introduced to the site for the duration of development and restoration.

19. In relation to the Ecology and Biodiversity report any Cotoneaster species identified during the extended Phase 1 habitat survey should be removed from the site and disposed of as controlled waste, following guidance, and in such a way that it is not spread on or off site. No invasive plants listed on schedule 9 of the Wildlife and Countryside Act, 1981 (as amended) shall be included in any new planting scheme.

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. For the avoidance of doubt and to ensure a satisfactory standard of development.
3. In the interests of visual amenity.
4. To ensure the development is served by a satisfactory drainage system.
5. In the interests of visual amenity.
6. In the interests of visual amenity.
7. In the interests of residential amenity.
8. In the interest of the free and safe movement of traffic on the adjacent highway and in the interests of highway safety.
9. To provide for the parking of vehicles clear of the highway in the interest of traffic safety.
10. To ensure relevant measures are undertaken to limit any risks arising from flooding.
11. To reduce the flood risks to the development.
12. To ensure potential land contamination risks are identified and mitigated as necessary.
13. The verification report is required in order to demonstrate that the remediation criteria relating to controlled waters have been met, and (if necessary) to secure longer-term monitoring of groundwater quality. This will ensure that there are no longer remaining unacceptable risks to controlled waters following remediation of the site. Long-term monitoring of the site will ensure that longer term remediation criteria relating to controlled waters have been met and will ensure that there are no longer remaining unacceptable risks to controlled waters following remediation of the site. Reports on monitoring, maintenance and any contingency action carried out in accordance with a long-term monitoring and maintenance plan shall be submitted to the Local Planning Authority as set out in that plan.
14. To secure longer-term monitoring of groundwater quality.
15. Given the complexity of the site it is considered possible that there may be unidentified areas of contamination at the site that could pose a risk to controlled waters if they are not remediated.
16. Natural Resources Wales considers that the controlled waters at this site are of high environmental sensitivity and contamination has been identified on the site.
17. Natural Resources Wales considers that the controlled waters at this site are of high environmental sensitivity (Principal aquifer) and contamination has been identified on the site.
18. To mitigate any risks to biosecurity on the site.
19. In the interests of protecting biodiversity and ecology in the area.

NOTES TO APPLICANT:

Natural Resources Wales Note to Applicant:

In relation to contamination it is recommended that developers should:

1. Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.
2. Refer to Environment Agency document 'Guiding Principles for Land Contamination' for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.
3. Refer to Groundwater protection: Principles and practice (GP3).

In relation to waste on site it is recommended that:

The treatment and disposal of contaminated soils and groundwater is regulated by waste legislation and requires an environmental permit.

Excavated materials that are recovered via a treatment operation can be re-used on-site under the CL:AIRE Definition of Waste: Development Industry Code of Practice. This voluntary Code of Practice provides a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, Natural Resources Wales should be contacted for advice at an early stage to avoid any delays.