

45/2021/0040

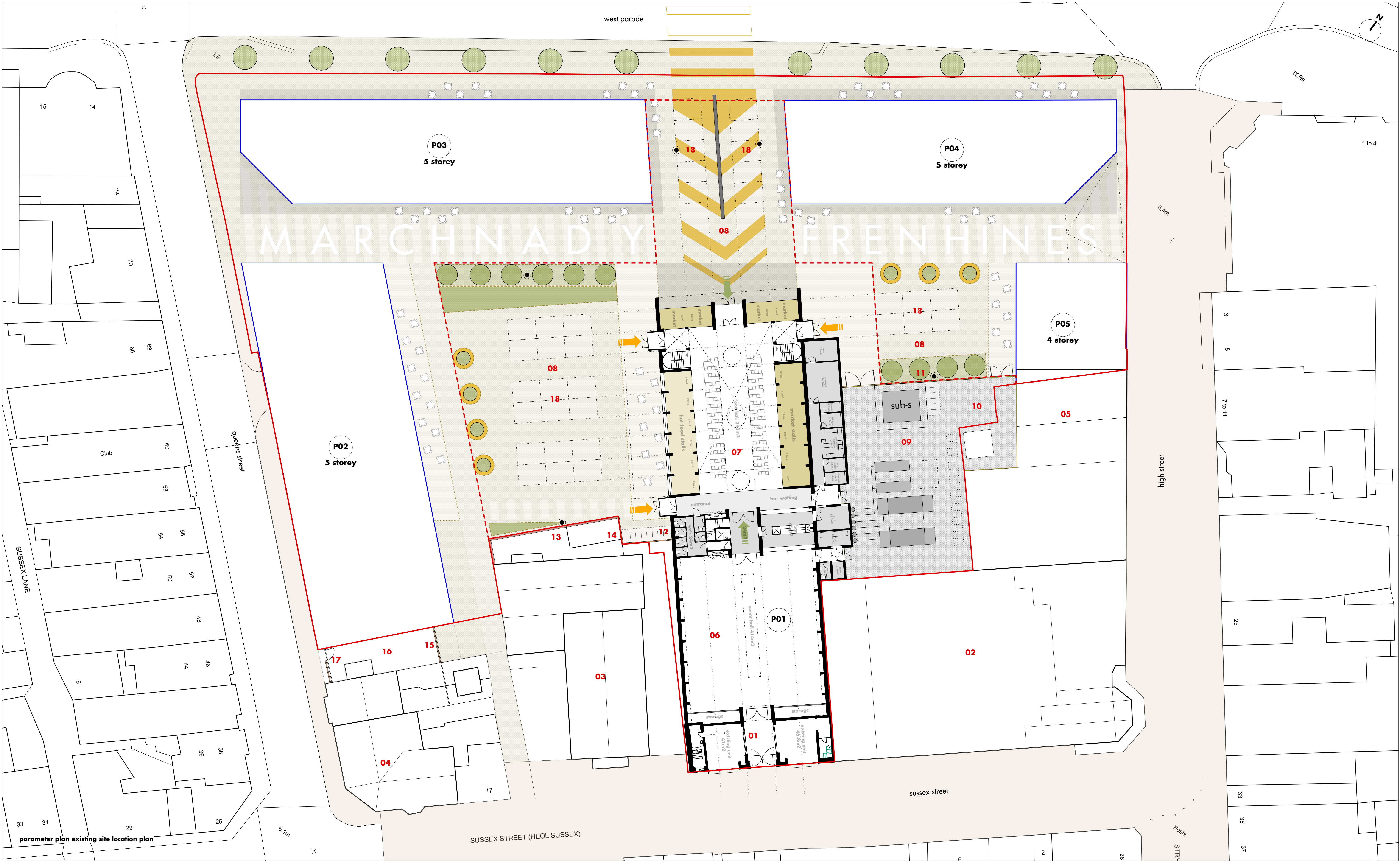


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— hybrid application extents

--- detailed application extent

Outline application max building extent line

refer to parameter plans for more detail

P01

detailed design component - Queens Market

P02

outline application - Office/library

P03

outline application - resi above ground floor f&b

P04

outline application - resi above ground floor f&b

P05

outline application - office above ground floor f&b

01

queens chambers

02

old plaza cinema

03

christian centre

04

george hotel

05

fast food outlets

06

multipurpose event hall

07

food market hall

08

external market space

09

secure service yard

10

secure cycle storage

11

4m timber fence to conceal plant equipment

12

cycle storage

13

existing brick wall retained

14

timmer fence at same height as existing wall

15

2.4m secure barrier

16

secure service yard

17

2.4m secure barrier

18

indicative market stalls positions

08 01 21 • ab • ww

11 11 20 • ab • ww

11 09 20 • ab • ww

rev • description

issued • drawn • checked

0m

50m

shedkm

+44 (0)151 709 8211

+44 (0)207 253 8881

project

queens market

client

ion developments

drawing number

[00]105 b

scale

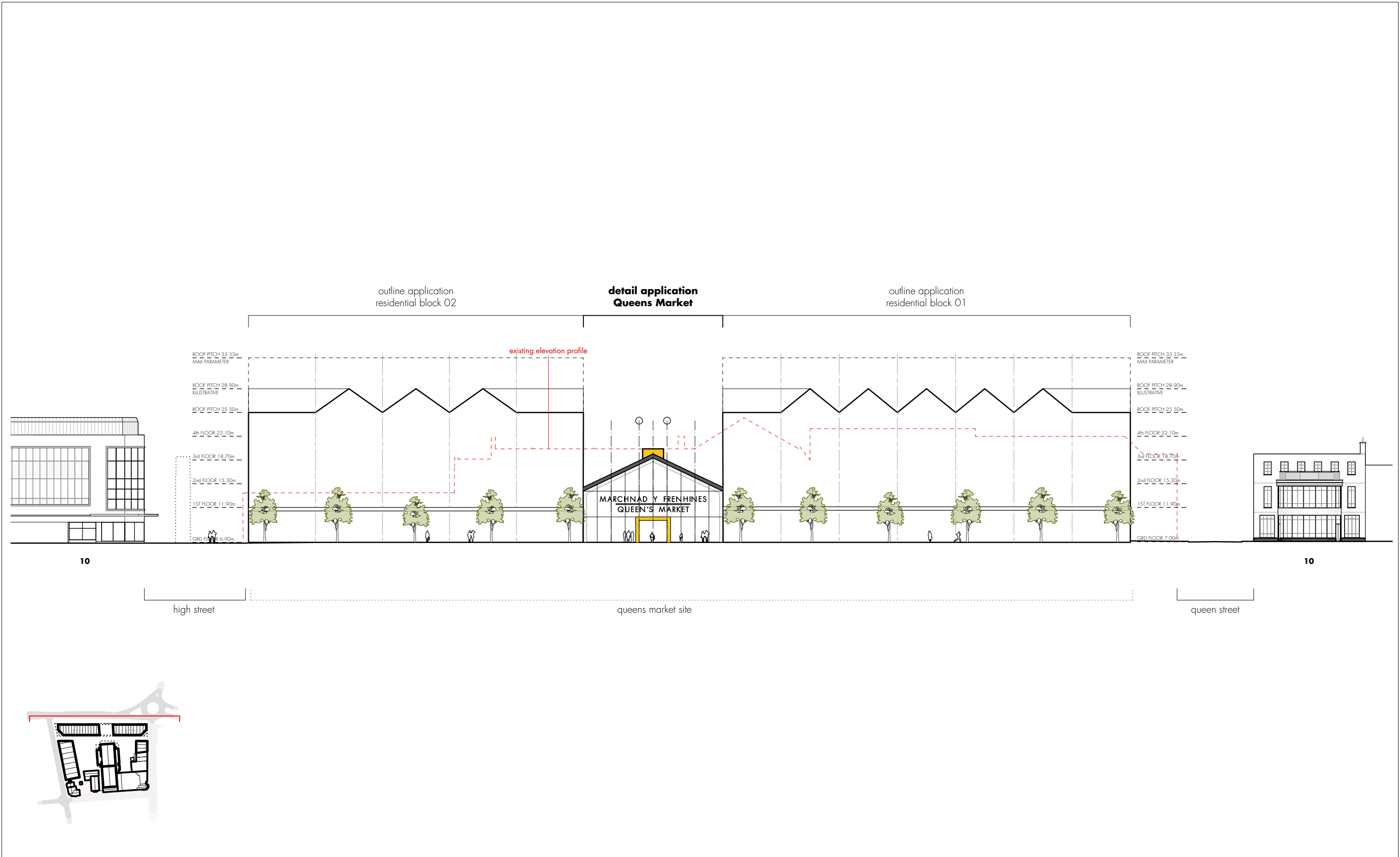
1:500@A1

status

planning

ga proposed site plan

do not scale from this drawing • all dimensions are to be set out and checked on site prior to starting construction • any discrepancy found between information given on this drawing and that given elsewhere or recorded on site shall be brought to the attention of the project architect immediately.



notes

outline application elements shown for illustrative purposes. refer to parameter plans for massing extents

refer to (20)200 + (20)300 series for detail application drawings

- 01 queens chambers
- 02 old plaza cinema
- 03 christian centre
- 04 george hotel
- 05 fast food outlets
- 06 multipurpose event hall
- 07 food market hall
- 08 external market space
- 09 service yard
- 10 adjacent shops
- 11 clock tower

α • planning issue
• draft planning issue
rev • description

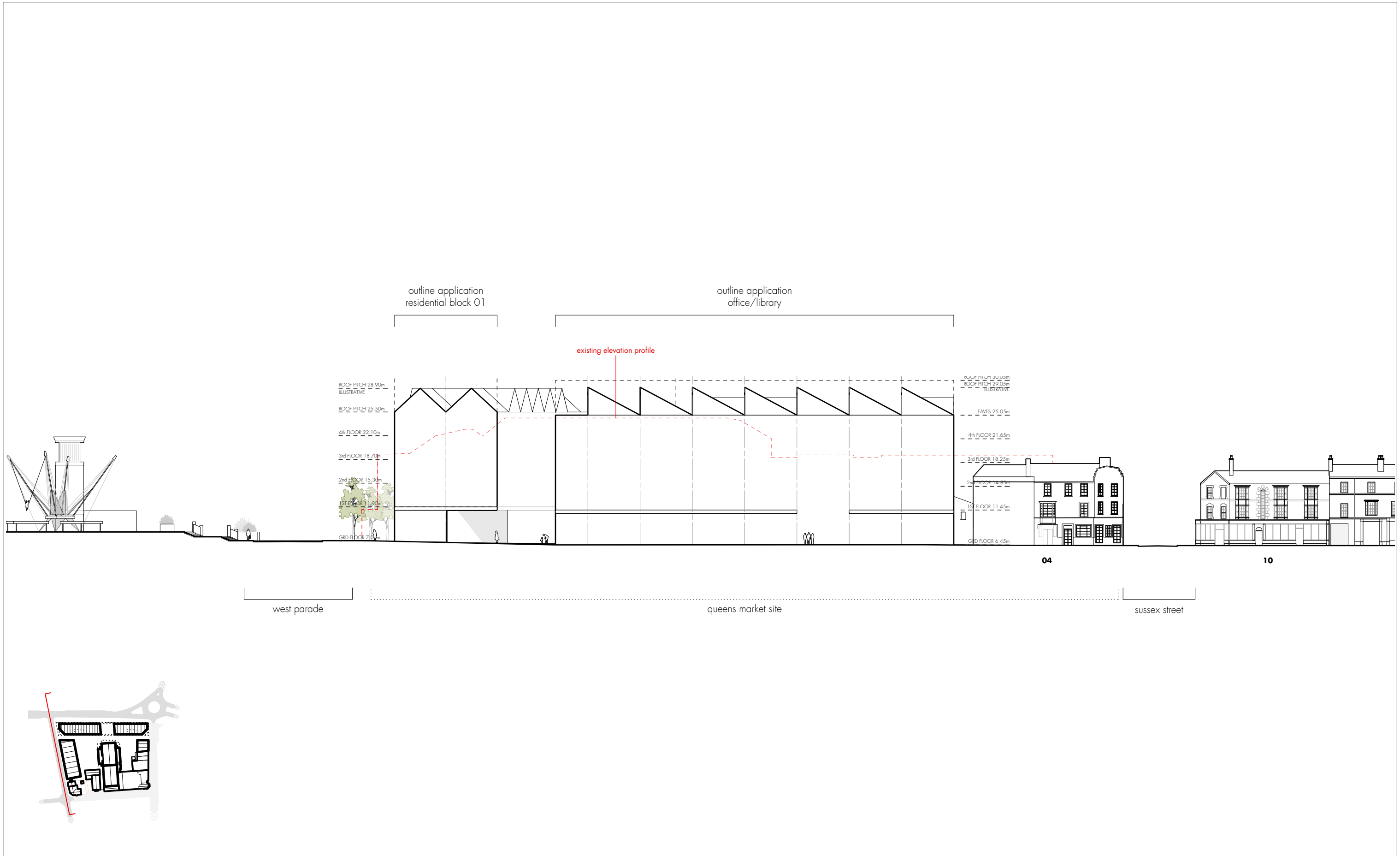
12 01 21 • ab • wvr
11 09 20 • miv • ab
issued • drawn • checked

shedkm

project	queen's market
client	ion developments
drawing number	(00)050 α
scale	1:500 @ α3
status	planning

west parade elevation

do not scale from this drawing • all dimensions are to be set out and checked on site prior to starting construction • any discrepancy found between information given on this drawing and that given elsewhere or recorded on site shall be brought to the attention of the project architect immediately



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rev • description

12 01 21 • ab • wvr
11 09 20 • miv • ab
issued • drawn • checked

shedkm

project	queen's market
client	ion developments
drawing number	(00)051 α
scale	1:500 @ α3
status	planning

queen street elevation

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rev • description

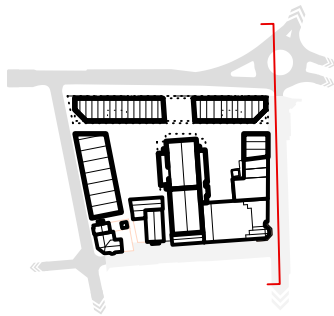
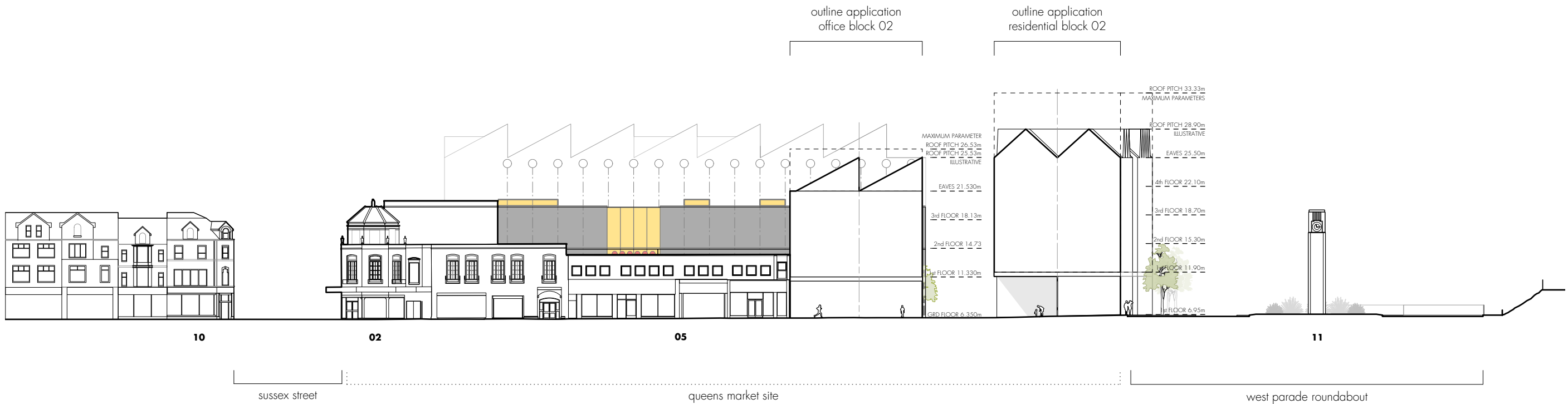
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11 09 20 • miv • ab
issued • drawn • checked

shedkm

project	queen's market
client	ion developments
drawing number	(00)052 α
scale	1:500 @ α3
status	planning

sussex street elevation

do not scale from this drawing • all dimensions are to be set out and checked on site prior to starting construction • any discrepancy found between information given on this drawing and that given elsewhere or recorded on site shall be brought to the attention of the project architect immediately



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10 adjacent shops
11 clock tower

α • planning issue
• draft planning issue
rev • description

12 01 21 • ab • vwr
11 09 20 • miv • ab
issued • drawn • checked

shedkm

project	queen's market
client	ion developments
drawing number	(00)053 α
scale	1:500 @ α3
status	planning

high street elevation

do not scale from this drawing • all dimensions are to be set out and checked on site prior to starting
construction • any discrepancy found between information given on this drawing and that given elsewhere
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+44 (0)207 253 8881



notes

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rev • description

12 01 21 • ab • wvr
11 09 20 • miv • ab
issued • drawn • checked

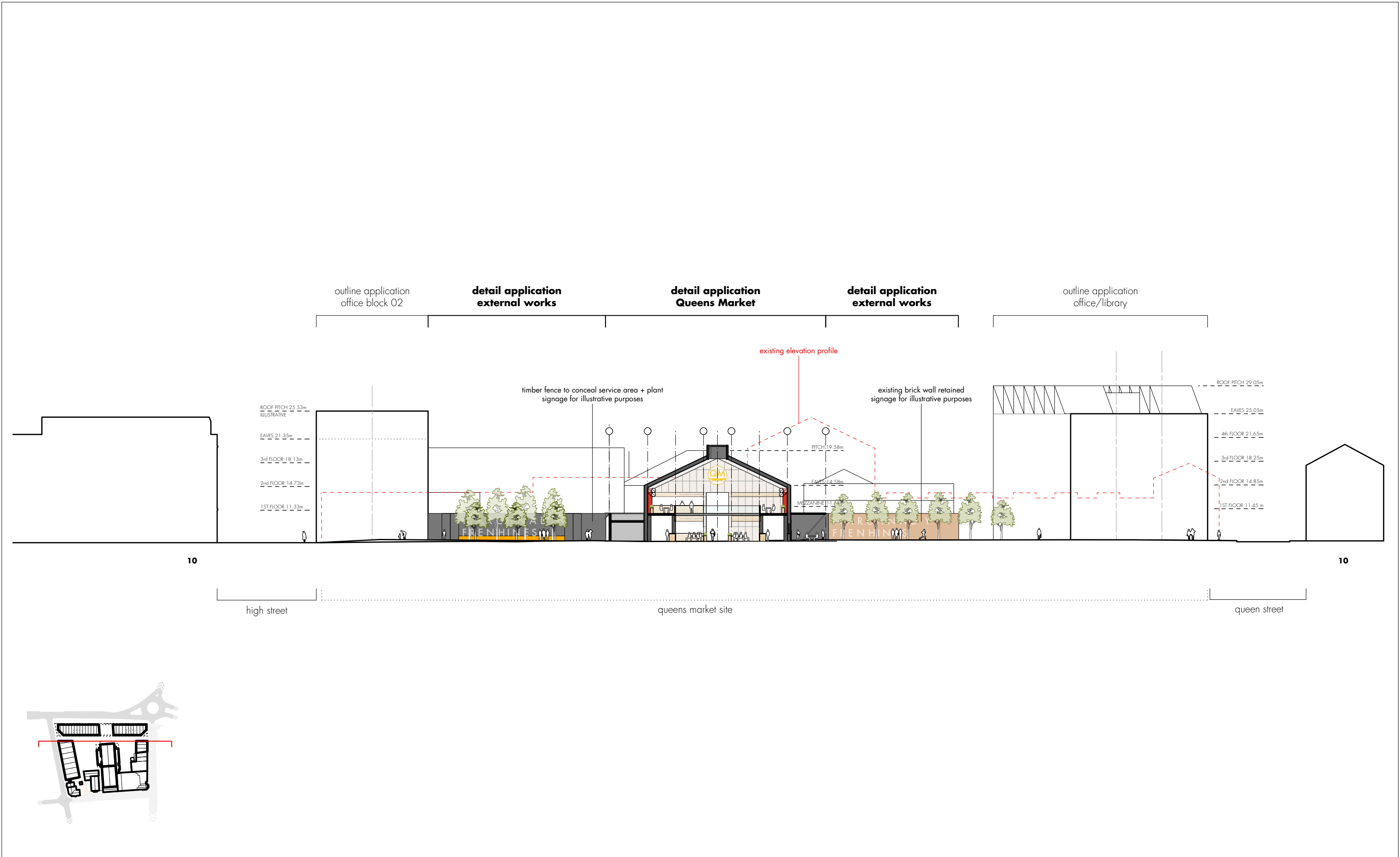
shedkm

project	queen's market
client	ion developments
drawing number	(00)060 α
scale	1:500 @ α3
status	planning

site section αα

do not scale from this drawing • all dimensions are to be set out and checked on site prior to starting construction • any discrepancy found between information given on this drawing and that given elsewhere or recorded on site shall be brought to the attention of the project architect immediately

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notes

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parameter plans for massing extents

refer to (20)200 + (20)300 series for
detail application drawings

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- 11 clock tower

α • planning issue
• draft planning issue
rev • description

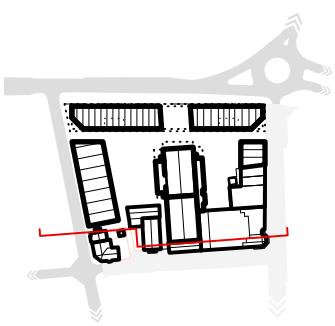
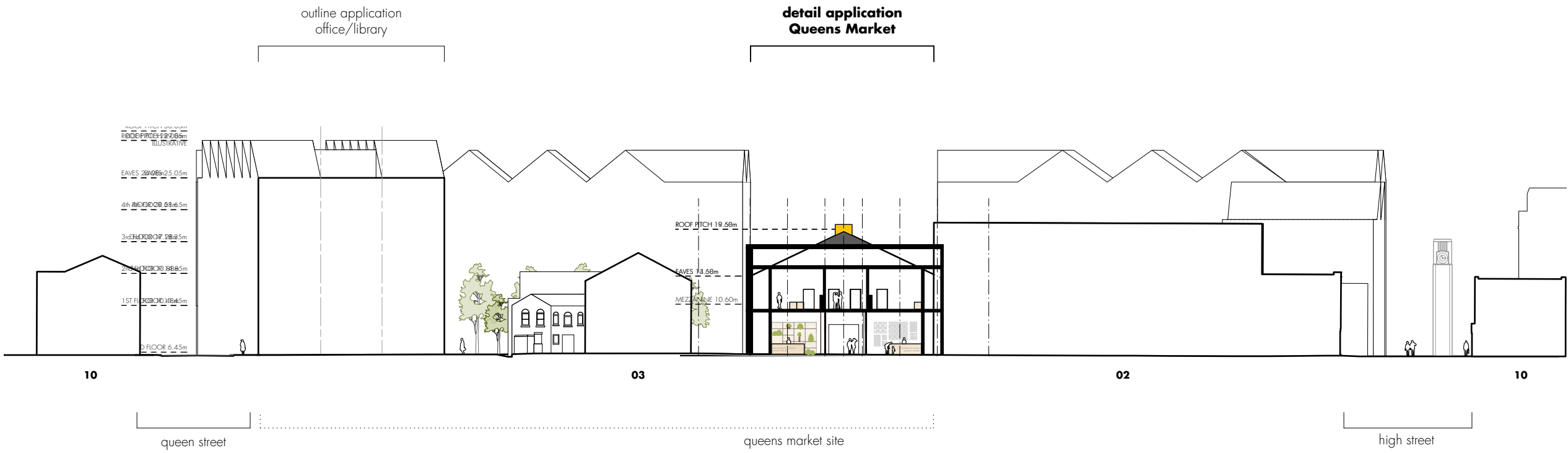
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issued • drawn • checked

shedkm

project	queen's market
client	ion developments
drawing number	(00)061 α
scale	1:500 @ α3
status	planning

site section bb

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notes

outline application elements shown for illustrative purposes. refer to parameter plans for massing extents

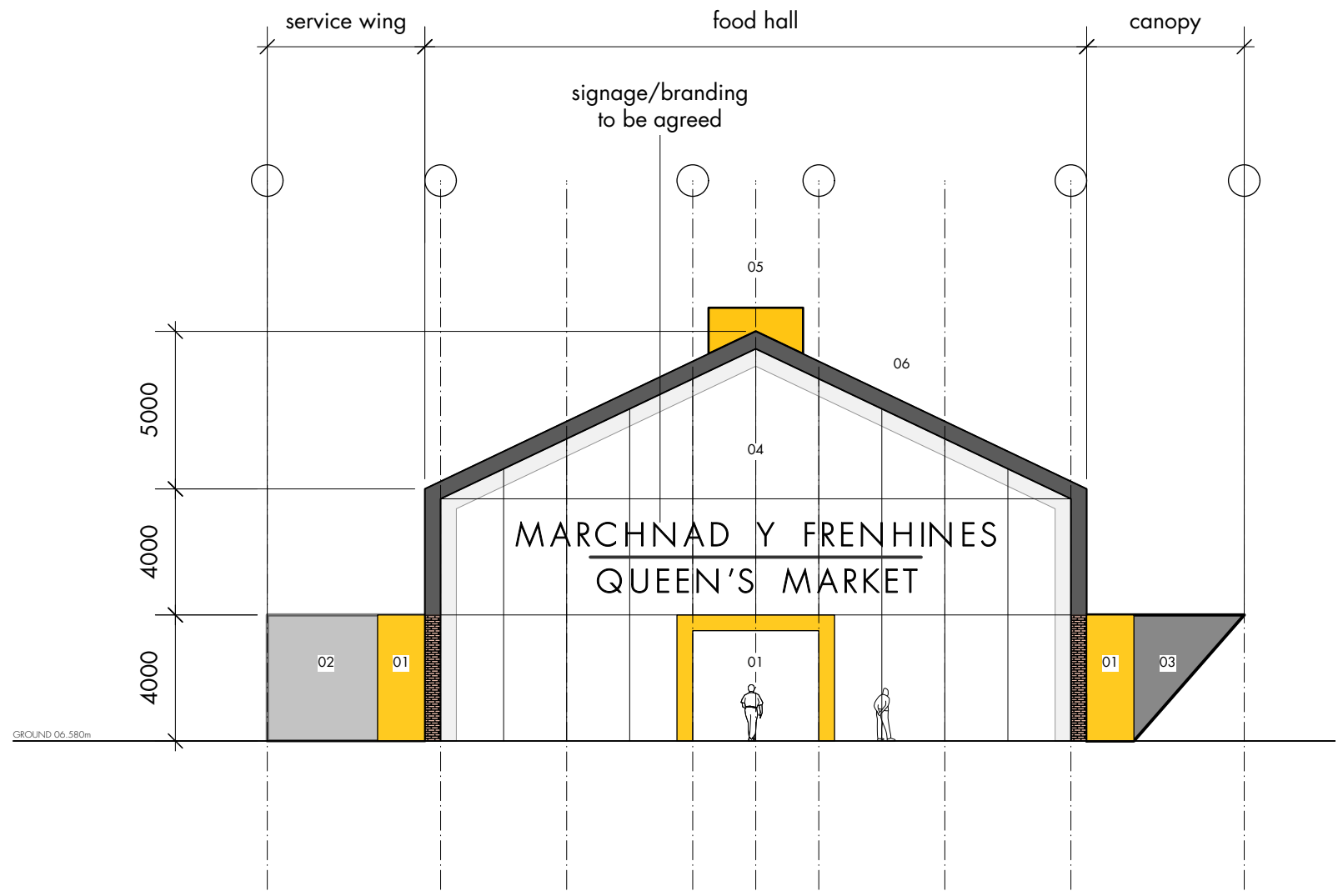
refer to (20)200 + (20)300 series for detail application drawings

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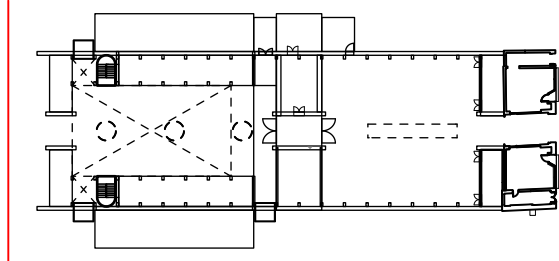
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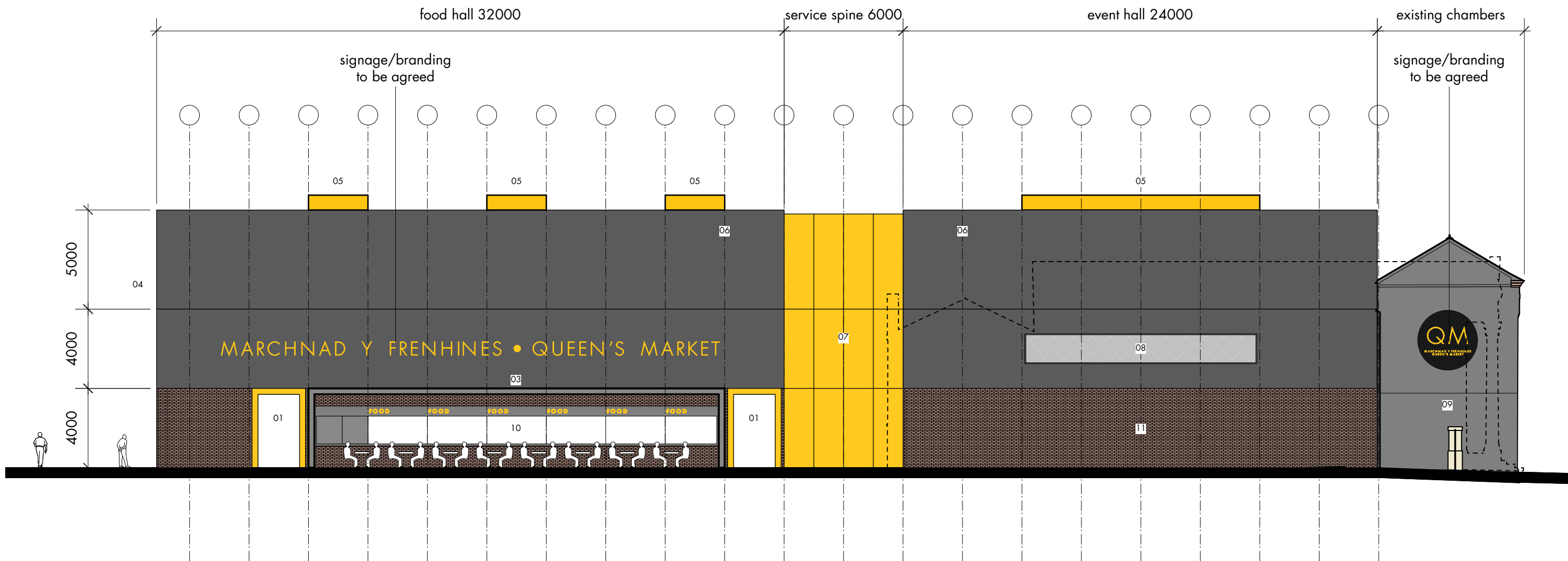
12 01 21 • ab • vwr
11 09 20 • miv • ab
issued • drawn • checked

shedkm		+44 (0)151 709 8211 +44 (0)207 253 8881
project	queen's market	
client	ion developments	
drawing number	(00)062 α	
scale	1:500 @ α3	
status	planning	
site section cc		
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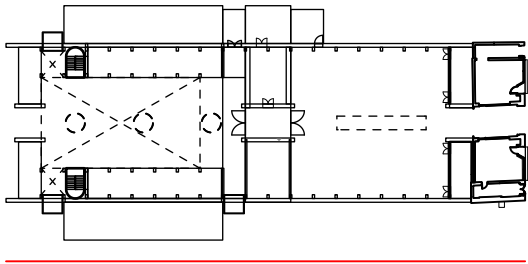


- 01 entrance portal
- 02 service wing
- 03 external canopy
- 04 fully glazed facade
- 05 rooflight
- 06 standing seam zinc





- 01 entrance portal
- 02 service wing
- 03 external canopy
- 04 fully glazed facade
- 05 rooflight
- 06 standing seam zinc
- 07 service spine
- 08 louvred mechanical outlets
- 09 queen's chambers facade
- 10 serving hatches + external seating
- 11 brickwork datum

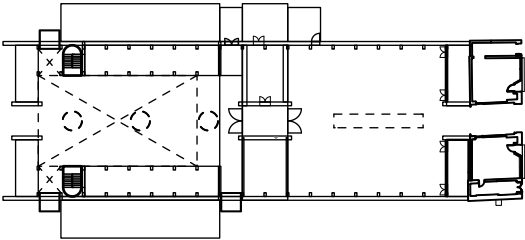


α • planning issue	12 01 21 • ab • ww
• draft planning issue	11 09 20 • mw • ww
rev • description	issued • drawn • checked
0m	50m

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project	queen's market
client	ion developments
drawing number	(20)201 α
scale	1:200 @ a3
status	planning
elevation 02	
do not scale from this drawing • all dimensions are to be set out and checked on site prior to starting construction • any discrepancy found between information given on this drawing and that given elsewhere or recorded on site shall be brought to the attention of the project architect immediately	



- 01 repaired brickwork
- 02 restored stonework
- 03 new windows
- 04 modern shopfronts and windows
- 05 painted datum level brickwork
- 06 first storey access



a • planning issue

• draft planning issue

12 01 21 • ab • ww

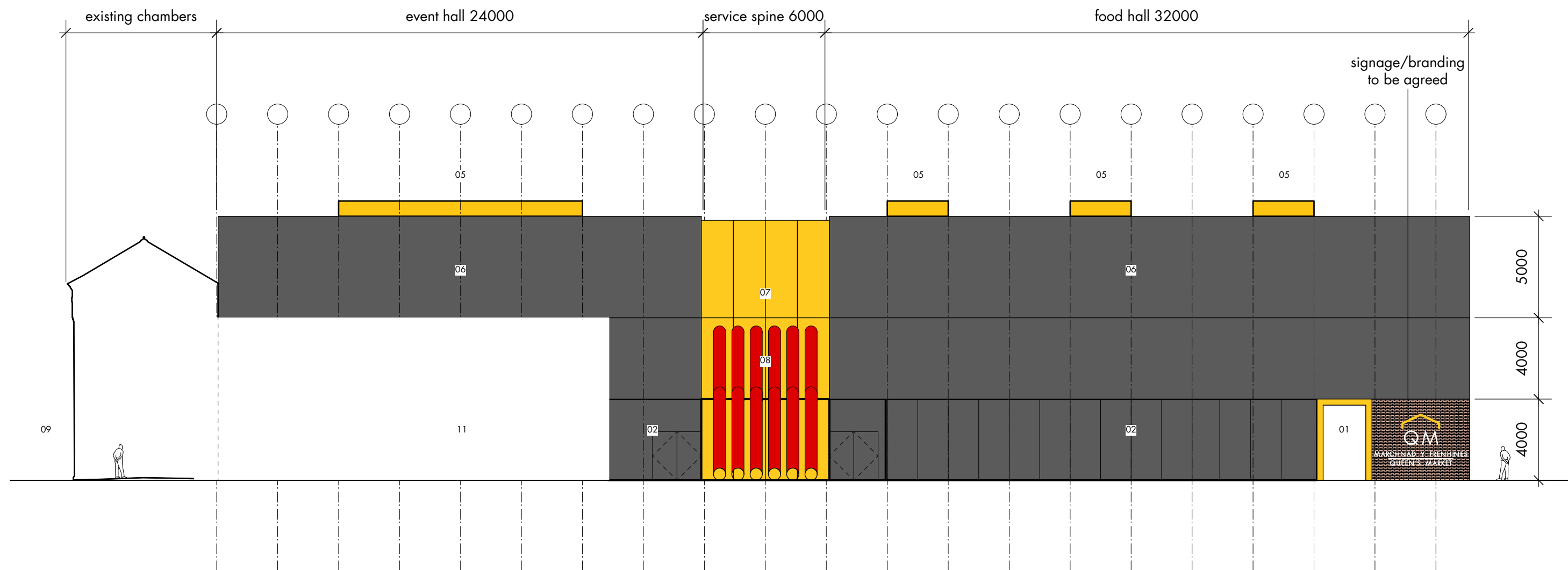
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rev • description

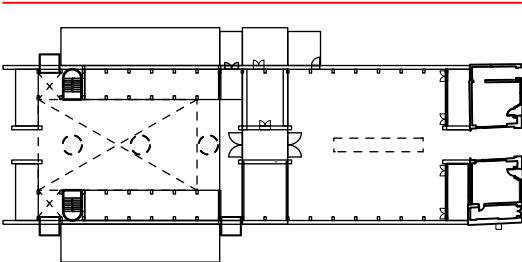
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0m

50m



- 01 entrance portal
- 02 service wing
- 03 external canopy
- 04 fully glazed facade
- 05 rooflight
- 06 standing seam zinc
- 07 service spine
- 08 feature ductwork
- 09 queen's chambers facade
- 10 brickwork datum
- 11 existing plaza cinema



α • planning issue	12 01 21 • ab • ww
• draft planning issue	11 09 20 • mw • ww
rev • description	issued • drawn • checked
0m	50m

shedkm

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project

queen's market

client

ion developments

drawing number

(20)203 α

scale

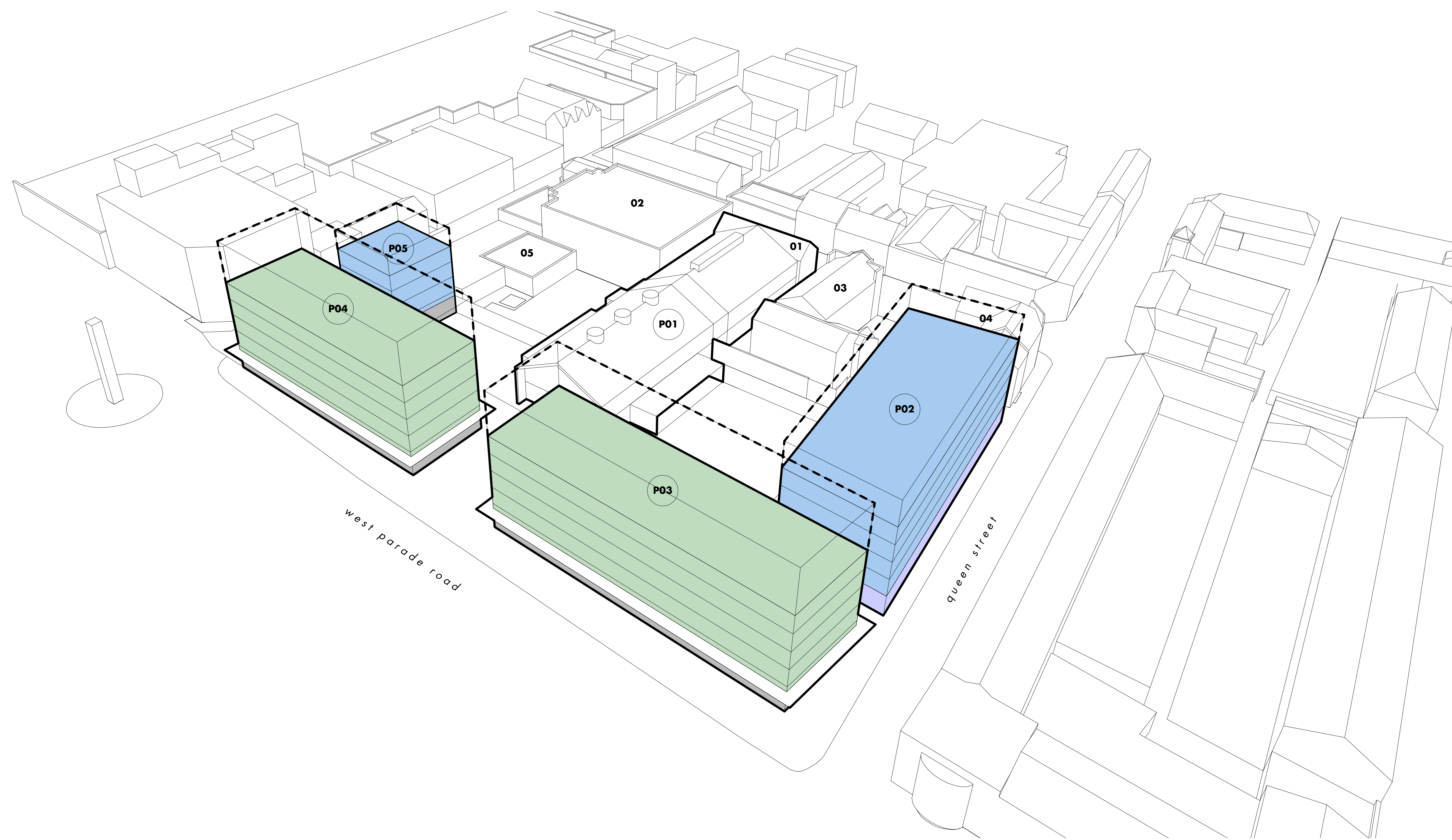
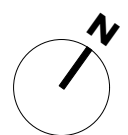
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status

planning

elevation 04

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parameter plan existing site location plan

- hybrid application extents
- outline application uses - f&b
- outline application uses - office/library/cafe
- outline application uses - office
- outline application uses - residential
- outline building storey height extents
- outline building pitched roof extents

- 01 queens chambers
- 02 old plaza cinema
- 03 christian centre
- 04 george hotel
- 05 fast food outlets
- P01 detailed design component - Queens Market
- P02 outline application - Office/library
- P03 outline application - resi above ground floor f&b
- P04 outline application - resi above ground floor f&b
- P05 outline application - office above ground floor f&b

b • planning update	08 01 21 • ab • ww
a • planning issue	11 11 20 • ab • ww
- • draft planning issue	11 09 20 • ab • ww
rev • description	issued • drawn • checked
0m	50m

shedkm

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project	queens market
client	ion developments
drawing number	(PP)106 b
scale	1:500@A1
status	planning

parameter plan 3d massing extents

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Eitem Agenda 9 / Agenda Item 9



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Eitem Agenda 9 / Agenda Item 9



WARD : Rhyl West

WARD MEMBER(S): Cllr Pat Jones
Cllr Pete Prendergast (c)

APPLICATION NO: 45/2021/0040/ PF

PROPOSAL: Hybrid Planning application (Full details and outline) for the redevelopment of 0.93ha of land known as Queens Market, incorporating the following elements: Full Details:- Demolition of the Bright Spot building on the corner of West Parade and High Street- Demolition of 2-6 High Street- Erection of Food and Market Hall - Erection of multi- purpose events space- Erection of electrical substation- Retention and refurbishment of Queens Chambers Building fronting Sussex Street- Retention of the existing temporary car park on Queen Street- Provision of some temporary and permanent hard/soft landscaping
Outline: Development of Class C3 (residential apartments), Class A1 (retail), Class A2 (financial and professional), Class A3 (food and drink), Class B1 (Offices), Class D1 (non-residential), Class D2 (assembly and leisure) . All detailed matters for these elements are reserved for future applications

LOCATION: Queens Market Sussex Street Rhyl

APPLICANT: Denbighshire County Council

CONSTRAINTS: C1 Flood Zone
Conservation Area
Article 4 Direction

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

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

- Application submitted on behalf of County Council

CONSULTATION RESPONSES:

RHYL TOWN COUNCIL
"No objection"

NATURAL RESOURCES WALES

Initial significant concerns raised over detailing of Flood Consequences Assessment. This site is entirely within Zone A and is bordered along Sussex Street and the High Street, by Zone C1 of the Development Advice Maps (DAM) accompanying TAN15: Development and Flood Risk (July 2004). However readily available information demonstrates that the site itself is at flood risk. Suggests updated FCA be submitted and floor levels be raised across the site. Also recommends conditions relating land contamination.

DWR CYMRU / WELSH WATER

No objection, recommend advisory note relating to drainage and surface water details.

CLWYD POWYS ARCHAEOLOGICAL TRUST

Requested copy of pre-demolition survey to be submitted to the HER (Historic Environment Records).

NORTH WALES FIRE AND RESCUE SERVICES

No observations in regard to access for appliances and water supplies.

NORTH WALES COUNCIL REGIONAL EMERGENCY PLANNING SERVICE

No objection, response refers to a number of 'Generic' Observations (applicable to all sites) regarding access and evacuation at sites considered to be at risk of flooding.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

- Highways Officer

"A Transport Statement has been prepared and submitted as part of the supporting documents and has been considered in this assessment.

The development is well-located in terms of access to public transport and is within a short walk of the existing bus stops on East Parade where there is an hourly coastal bus service. The main Rhyl railway station and bus station is only located 400 metres on foot from the development.

Existing pedestrian access to the development is good with suitable footway provision on Queen Street and West Parade. Dual Puffin light-controlled pedestrian crossings are located closed by on West Parade. The Sussex Street and High Street aspects are located within the existing pedestrian zone. Pedestrian links to the beach are however fairly indirect yet these are proposed to be significantly improved through the adjacent project to redevelop the Central promenade which is currently at an early design stage.

Disabled access is good with approaches being level and of sufficient width.

The Central promenade project includes proposals to improve cycle links between the coastal National Cycle Network Route 5 located on the Promenade and the rail and bus station. These future links will also benefit the Queen's market development due to its close proximity.

The development makes provision for parking for 20 cycles which should be sufficient initially and this could always be increased at a later date if, for example, the food and beverage offer proved popular with the many pedestrians and cyclists who use the nearby National Cycle Network route 5.

Main loading access will be via Queen Street and Sussex Street. The pedestrian zone restrictions apply to loading times for the Sussex Street entrance. Access from Queen Street is protected by an existing prohibition of waiting and loading restriction. Loading/parking bay space sufficient for up to three vehicles are to be provided along the West Parade frontage to the development. It is noted that the pedestrian and servicing routes are proposed to become adopted highway and appropriate legal processes would need to be put into place to dedicate this land as highway.

Development will have a negligible impact on the overall traffic flows to, from and within Rhyl town centre. Many of these trips will be linked-trips. In other words, visits by people who are visiting other locations within the town centre.

The development is adequately served by off-street parking with the 470 space Central car park across the road from the development. Numerous other Council-operated car parks are located within a short walk of the development. It is noted that the temporary Queen Street car park would be removed upon commencement of Phase 2 of the development.

There is ample parking for residents within the town centre although some restrictions apply such as charges applying between 8am and 5pm, except for Sky Tower car park where charges apply until midnight. Parking permits can be purchased for use in long stay town centre car parks. This means they cannot be used in the Sky Tower car park. Permits can be

used in the Central car park however it is locked at 9pm in the summer and 7pm in the winter, before reopening at 7am in the morning.

In summary there are no objections to the development from a highways and transport perspective. It is well-served by a number of different modes of transport with adequate off-street parking available within a short distance. The locking of Central car park overnight between 9pm and 7am will limit use of this car park by residents although there are other car parks available within a relatively short distance."

Public Protection Officer

"Public Protection have reviewed the submission and make the following observations:

- The lighting plan for the development is considered acceptable but we will require further detail of operating times of the lighting to be submitted by the applicant.
- The air quality assessment is satisfactory. We recognise that the demolition and construction phases of the development are likely to create the most disturbance to neighbouring properties in terms of issues relating to fugitive dust emissions.
- Further details of dust emission control measures during the demolition and construction phases will be required.
- Public Protection appreciate that the noise impact assessment has been carried out during a time of lower than normal noisy activity. We will require confirmation of several aspects of noise mitigation in the future, as set out by the noise impact assessment. These will include; details of the glazing and ventilation to prevent noise break-in affecting future residents. Mitigation of plant noise associated with the main Queens Market food and entertainment venue. Cumulative plant noise from all phases of the development.

Conservation Officer

No objection, recommends conditions relating to detailing of buildings, hard and soft landscaping and additional tree planting.

County Ecologist

No objections, recommends conditions relating to biodiversity enhancement, landscaping and an ecological compliance audit.

Flood Risk Engineer

No initial issues raised. Applicant to be made aware of the Suds Approval process.

Strategic Housing & Policy Officer

No objection in principle, policy requirements in relation to infrastructure provision i.e. affordable housing, open space and education will be required once reserved matters are sought.

RE-CONSULTATION RESPONSES (IF RELEVANT)

NATURAL RESOURCES WALES NRW

Formal response on re-consultation to updated Flood Consequences Assessment

Awaited

RESPONSE TO PUBLICITY:

In objection

Representations received from:

Peter Smith, Sussex Street Christian Centre, Rhyl

Summary of planning based representations in objection:

Concerns over the impact of the development on Sussex Street Christian Centre

In support

Representations received from:

Macy Cahill 5, Maes Gruffydd, Rhyl

Summary of planning based representations in support:
Supports development of the Food Court as a new facility for the area.

EXPIRY DATE OF APPLICATION: 14/03/2021

EXTENSION OF TIME AGREED? 08/09/2011

REASONS FOR DELAY IN DECISION (where applicable):

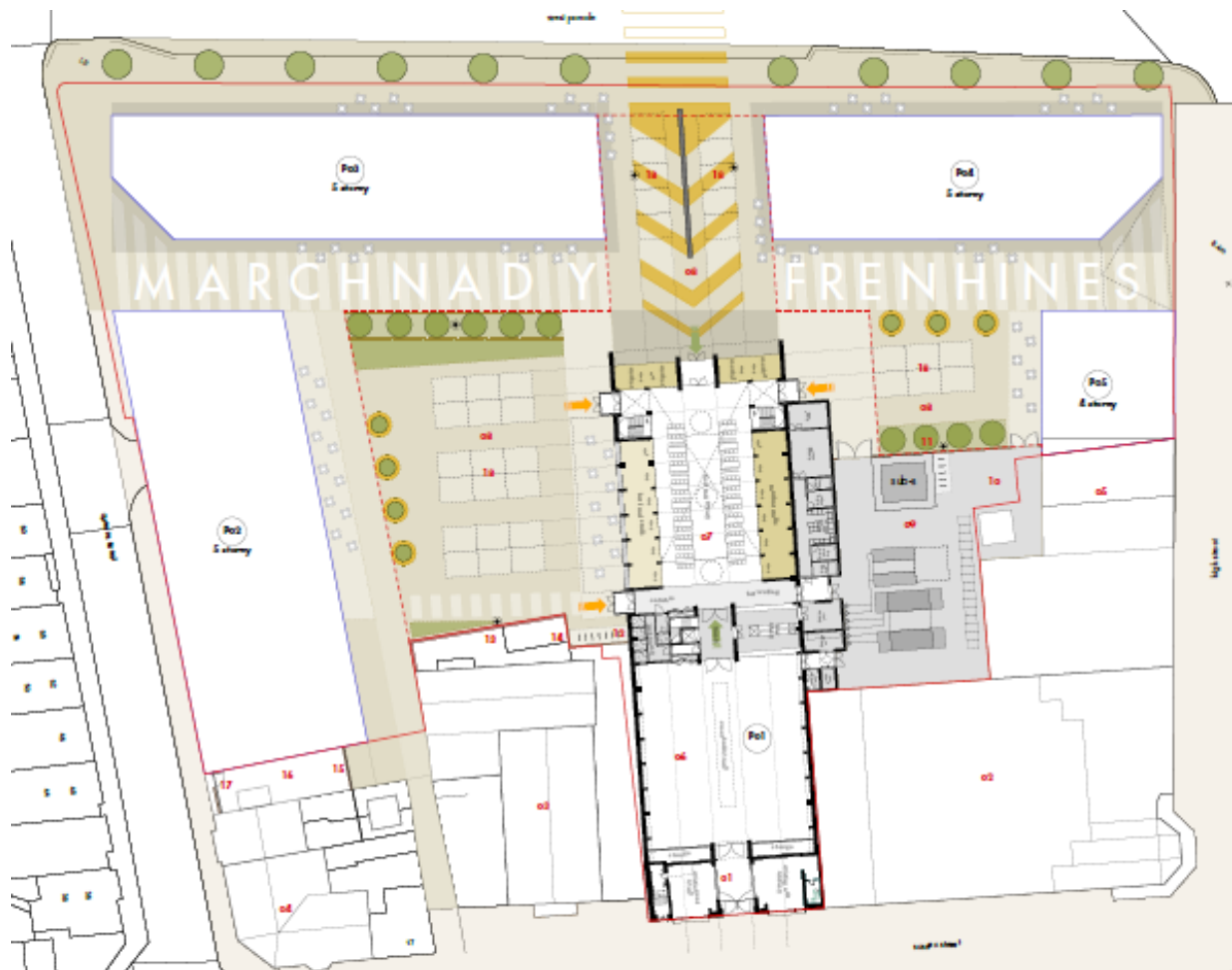
- additional information required from applicant

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

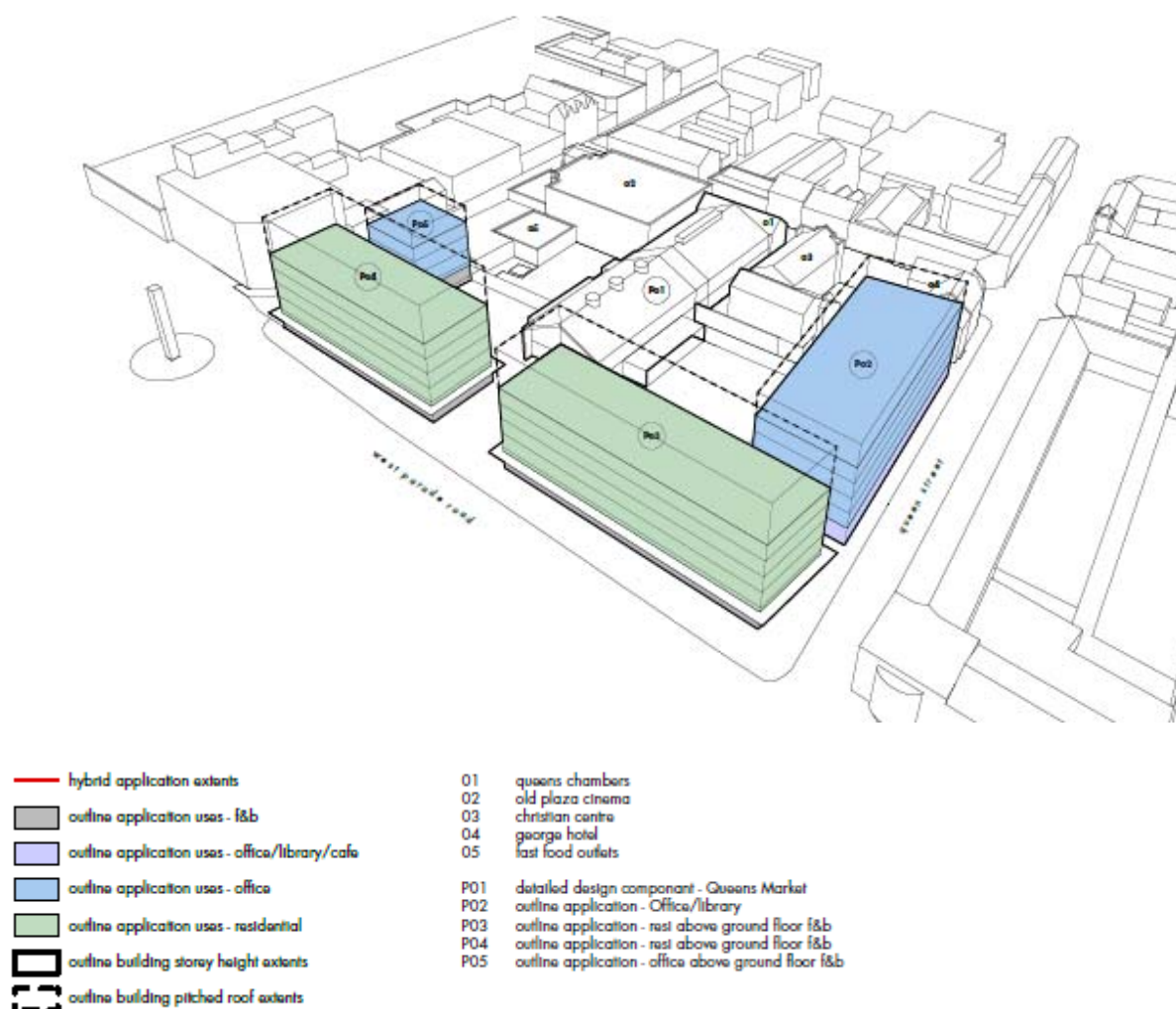
- 1.1.1 The 'hybrid' (part full and part outline) planning application proposes a mixed-use assembly/leisure and housing redevelopment scheme in Rhyl town centre.
- 1.1.2 The application made by Denbighshire County Council is aimed at regenerating a 0.93 hectare block of land between West Parade, Queen Street, Sussex Street and the High Street referred to collectively as "Queens Market" for the purposes of the planning application.
- 1.1.3 The 'full' application comprises of the following elements:
 - Erection of Food and Market Hall
 - Erection of multi- purpose events space
 - Erection of electrical substation
 - Retention and refurbishment of Queens Chambers Building fronting Sussex Street
 - Retention of the existing temporary car park on Queen Street
 - Provision of some temporary and permanent hard/soft landscaping
 - Demolition of the Bright Spot building on the corner of West Parade and High Street
 - Demolition of 2-6 High Street
- 1.1.4 The 'outline' components of the application are;
Development of Class C3 (residential apartments) Class A1 (retail), Class A2 (financial and professional), Class A3 (food and drink), Class B1 (Offices), Class D1 (non-residential), Class D2 (assembly and leisure).
- 1.1.5 The main element of the full application is the Food and Market Hall and the multi-purpose events space (linked buildings). Proposed to be located behind the existing Queens Chambers Building (the only part of the original site proposed to be retained and renovated), they would also be accessed from a new through route from West Parade.
- 1.1.6 Food and Market Hall and Events space would be 2 storey pitched roof building of relatively simple modern design. The Food and Market Hall is proposed to host 16 permanent market stalls with the added potential of a further 6 units to the central space. A dual fronted bar would also be provided on the ground floor, with a further bar space and seating facilities provided on a mezzanine level above. Alongside the Food and Market Hall and Events Space would be a shared service core and a new electrical substation.



— hybrid application extents	01	queens chambers	15	2.4m secure barrier
- - - detailed application extent	02	old plaza cinema	16	secure service yard
□ Outline application max building extent line refer to parameter plans for more detail	03	christian centre	17	2.4m secure barrier
P01 detailed design component - Queens Market	04	george hotel	18	indicative market stalls positions
P02 outline application - Office/library	05	fast food outlets		
P03 outline application - resi above ground floor f&b	06	multipurpose event hall		
P04 outline application - resi above ground floor f&b	07	food market hall		
P05 outline application - office above ground floor f&b	08	external market space		
	09	secure service yard		
	10	secure cycle storage		
	11	4m timber fence to conceal plant equipment		
	12	cycle storage		
	13	existing brick wall retained		
	14	timber fence at same height as existing wall		

- 1.1.7 The full application also includes details of the open space on the Main Square and West Parade Square (through route access point from the North). These spaces have the potential to be open as an outdoor market space or used as a public open space, with landscaping and seating.
- 1.1.8 Temporary landscaping is also shown for the cleared areas of the site along the West Parade and Queen Street frontages as an interim measure before the next phases of the development are delivered.
- 1.1.9 Plans show the access and service routes from the adjacent streets and one way systems. No parking is proposed as part of development only the retention of the existing temporary car-park on Queen Street as part of Phase 1.
- 1.1.10 Indicative details for the outline elements of the scheme show the proposed residential development fronting West Parade to be a 5 storey block. The

commercial/library fronting Queen Street is shown to be 4 storey and commercial/residential space to the High Street 5 storey. As required the scale of the proposed buildings is stated in the application documents, they would have a maximum height of between 19.2 and 27.1 metres.



1.1.11 Indicative drainage proposals include connection to the existing foul sewer system serving the existing site. Surface water for the development would be directed to a SUDS attenuation facility.

1.1.12 The application was submitted by Cushman and Wakefield as agents acting on behalf of Denbighshire County Council. The application forms indicate the land is in the ownership of the applicants (with the exception of the Bright Spot/High Street block on which notice was served on the owner).

1.2 Other relevant information/supporting documents in the application

- 1.1.1 The application is accompanied by a range of supporting documents. These include:
- Planning and Heritage Statement/ Design and Access Statement
This sets out the policy position in relation to the development and concludes that the application proposal is compliant with relevant policies and will deliver a range of much needed regeneration benefits and be a sustainable development.

- Transport Statement

The Transport Statement concludes that the development is accessible by public transport, walking and cycling. A Framework Travel Plan has been provided which aims to encourage travel by these modes. No car parking is proposed as part of development however there is ample publicly available parking nearby for residents, visitors and staff to make use of should they choose.

Public realm and servicing areas within the development site will have restricted access for vehicles. Similar to the Traffic Regulation Orders which are present on High Street, all parking will be prohibited, only servicing vehicles will be allowed access to the site between the hours of 5pm and 10pm.

Cycle parking will be provided in accordance with SPG standards.

The Transport Statement demonstrates that there are a wide range of travel options available for employees, visitors and residents of the proposed development. In this way the Transport Assessment analysis concludes that the demand for travel generated by the development will not have a material impact on the operation of the transport network.

- Pre-App Consultation Document

This sets out the pre-application publicity undertaken for the site and summarises the responses provided.

- Flood Risk Assessment and Drainage Strategy

This demonstrates the development would not be at risk or create significant risks in the event of flooding with specific mitigation specified. The document also outlines the plans proposed in relation to drainage.

- Noise Assessment

To assess the site suitability with respect to noise in terms of the external environment and environmental noise ingress to the proposed residential units, office and library.

- Ecology Survey (Bats and Birds) Preliminary Bat Roost Assessment, Nesting Bird Check And Emergence Surveys

The internal inspection of the building revealed no evidence of roosting bats. During the initial survey, swifts were observed nesting within the small garages in the centre of the site. These garages will be lost as part of the demolition and their loss should be mitigated onsite with provision of nine (three sets of three) inbuilt swift boxes. The exact location for these should be decided once a final design is fixed.

At the time of the survey nesting pigeons were observed within the buildings on site. As all birds are afforded legal protection during nesting, it will be necessary to undertake demolition works outside the nesting bird season or, should works at this time be unavoidable, a nesting bird check should be undertaken to check for nesting birds. If birds are found to be nesting they would need to be left until fledged.

- Community and Linguistics Statement

Prepared alongside the SPG Planning and the Welsh Language (2014) guidance, the statement concludes the proposal provides an opportunity to promote the use of the Welsh language as well as introduce a range of social and economic benefits to the area. These include regeneration and sustaining the town centre, employment site creation and housing, training and opportunities for locals during construction, supply chain opportunities for Welsh based SMEs, contributions to Community and Education with successful contractors working with local schools and colleges to support work experience placement. Making a contribution to community regeneration by donation, in-kind donation, support for local projects and

consultation/education, sensitive restoration, repair and refurbishment of an important heritage building within the boundary of the Rhyl Central Conservation Area to provide more attractive retail and commercial floorspace and increase the buildings productive economic use and preservation and enhancement of the character of the Rhyl Central Conservation Area and the setting of the adjacent church.

- Foul and Surface Water Drainage Strategy
The drainage strategy has been undertaken in accordance with advice and requirements of Natural Resources Wales as outlined in PPW and TAN15 and the submitted FCA. The surface water management strategy has been reviewed in relation to the Statutory Standards for Sustainable Drainage Systems in Wales and the SABs guidance with respect to surface water methods, SuDs provision, outfall options and current site conditions.

And the following technical reports:

- Drainage Maintenance Requirements
- Phase 1 Preliminary Risk Assessment
- Phase 2 Ground Investigation Report
- Flood Consequences Assessment and Addendum.
- Sustainability Statement
- Site Wide MEP Strategy
- Market and Events Hall Energy Report (Part L)
- Environmental Noise Assessment Report
- Lighting Strategy for Planning
- Ventilation & Extraction Statement – for Planning

1.3 Description of site and surroundings

- 1.3.1 As mentioned above the 0.93 hectare block of land adjoins West Parade to the northwest, Queen Street to the southwest, Sussex Street to the southeast and High Street to the northeast.
- 1.3.2 It is a town centre location and land uses within the immediate vicinity of the site include retail, assembly and leisure and A3 food and drink. The nearest residential dwellings are located to the southwest, directly beyond Queen Street.
- 1.3.3 High Street and Sussex Street, which bound the proposed development site are pedestrianised with access for servicing vehicles permitted between 5pm and 10am. Between the Church on Sussex Street and the junction with Queen Street access is prohibited to all vehicles at all times except for access to the Church. Apart from West Parade, the streets in the vicinity are one way. Queen Street is one-way northbound with time limited and restricted on street parking. West Parade has pay and display parking bays on the eastbound lane outside the site and disabled parking bays on the westbound side.
- 1.3.4 There is also temporary Denbighshire County Council car park within the planning application boundary fronting Queen Street.
- 1.3.5 The original Queen's Market complex comprised a number of different properties including;
 - Former Savoy Bistro and car park
 - Former Queen's Hotel formally used as a seasonal restaurant with a nightclub above
 - Former Queen's Theatre which was derelict, used formally as a bowling alley
 - Land-locked retail unit "J" which was vacant, with no street frontage
 - Partly occupied Queen's Market Hall

- The Bright Spot amusement arcade and adjacent retail units at 2-6 High Street (which as mentioned above although within the 'red line of the application' are not currently under the control of the Applicant)

1.3.6 Apart from the Bright Sport amusement arcade and 2-6 High Street, the applicant has deemed consent to demolish all buildings above and works to clear the site area ongoing. These buildings are included for demolition (and redevelopment) as part of the full application should the status of that area of the site ever change.

1.4 Relevant planning constraints/considerations

- 1.4.1 The site is located within the development boundary of Rhyl and partly within the allocated PSE 8 Town Centre Primary Shopping Frontage. It is also allocated under LDP policy PSE 7 Proposals for New Retail Development, an allocation for predominantly non-food retailing, leisure and commercial offices.
- 1.4.2 The south and west boundaries of the site directly border the Rhyl Central Conservation Area. The Queens Chambers building fronting Sussex Street is the only part of the site within the Rhyl Central Conservation Area.
- 1.4.3 The majority of the site is located in Development Advice Map (DAM) Flood Zone A, which TAN15 defines as considered to be at little or no risk of fluvial or tidal / coastal flooding. The adjacent High Street (wholly) and Sussex Street (partially) are located within DAM Flood Zone C1 comprising areas of the floodplain which are developed and served by significant infrastructure, including flood defences.

1.5 Relevant planning history

- 1.5.1 Given the size and history of the site there is a substantial amount of planning history. Of most relevance is an application for deemed consent for the demolition of Queens Theatre, Queens Hotel, Queens Arcade, the Savoy Hotel, 61 Queen Street, the Savoy Arcade, Queens Shopping Centre, Queens Market Hall and Garages was granted under a prior notification application made by the applicant in August 2020. Demolition of these buildings is ongoing, having commenced in January this year.

1.6 Developments/changes since the original submission

- 1.6.1 Additional information was requested by NRW to address Flood Risk on the site. Hydrologists from Mott McDonald were commissioned to undertake an addendum to the original FCA submitted by the Agents. This additional information considers a range of additional flood related issues on the advice of NRW and made recommendations in relation to flood risk mitigation on the site, most notably the raising of floor levels across all of the redeveloped areas.

1.7 Other relevant background information

- 1.6.2 The redevelopment of the site is a key part of the Council's regeneration strategy for Rhyl town centre. The regeneration strategy is guided by the need to reinvent the seaside resort town and reverse many years of decline. The strategy for urban transformation includes improvements to the public realm, economic incentives and the promotion of mixed-use development, building restoration and upgraded movement connections across the town. A central theme of the strategy is the restoration of lost connections between the town and the beach and it is hoped that the development will achieve that.
- 1.6.3 The Agents have advised that the development is to be delivered across three distinct phases. The first phase will include the new Queens Market Hall and Multi-purpose Events Space alongside the shared service core, associated public realm/infrastructure, new electrical substation, and refurbishment of the Queens

Chambers building (for which Full permission is sought). The remainder of the proposals will make up phases 2 and 3 and are therefore applied for in outline. They will be the subject of future detail design and subsequent reserved matters planning applications.

- 1.6.4 The DAS states that the applicant has secured Welsh Government funding for the new Market Hall / Events Space, within which it is estimated that 100 jobs could be created alongside the following socio-economic benefits:
- Enterprise space created for 25 enterprises accommodated within the Market Hall/Events Space at one time.
 - Training and employment opportunities, encouraging contractors to recruit and train economically inactive persons as part of the workforce delivering any contract let, directly or indirectly through the supply chain.
 - Supply chain opportunities for SMEs based in Wales, which could include sub-contracting through Sell2Wales and using the Welsh Government's Supplier Development service to promote tender opportunities and hold 'Meet the Buyer' events.
 - Contributions to Community and Education with successful contractors working with local schools and colleges to support work experience placement, careers days, support for school projects; and making a contribution to community regeneration by donation, in-kind donation, support for local projects and consultation/education.

- 1.6.5 The DAS states that the Market Hall and Event Space will have opening hours of 0900 until 2300 and that there will be up to 30 'amplified entertainment noise' events a year, for example live music performances (e.g. rock/pop concerts) and amplified pre-recorded music playback (e.g. DJ sets or background music). All amplified entertainment noise will cease by 2300.

2. DETAILS OF PLANNING HISTORY:

- 2.1 45/2020/0592 Prior notification for the proposed demolition of Queens Theatre, Queens Hotel, Queens Arcade, the Savoy Hotel, 61 Queen Street, the Savoy Arcade, Queens Shopping Centre, Queens Market Hall and Garages. Approved 22/09/2020

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

3.1 Local Policy/Guidance

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 BSC3 – Securing infrastructure contributions from Development

Policy BSC4 – Affordable Housing

Policy BSC11 – Recreation and open space

Policy BSC12 – Community facilities

Policy PSE1 – North Wales Coast Strategic Regeneration Area

Policy PSE7 – Proposals for new retail development

Policy PSE8 – Development within town centres

Policy VOE1 - Key areas of importance

Policy VOE5 – Conservation of natural resources

Policy VOE6 – Water management

Policy ASA2 – Provision of sustainable transport facilities

Policy ASA3 – Parking standards

Supplementary Planning Guidance

Supplementary Planning Guidance Note: Access For All

Supplementary Planning Guidance Note: Affordable Housing
Supplementary Planning Guidance Note: Archaeology
Supplementary Planning Guidance Note: Conservation and Enhancement of Biodiversity
Supplementary Planning Guidance Note: Conservation Areas
Supplementary Planning Guidance Note: Parking Requirements In New Developments
Supplementary Planning Guidance Note: Planning Obligations
Supplementary Planning Guidance Note: Planning and the Welsh language
Supplementary Planning Guidance Note: Residential Development
Supplementary Planning Guidance Note: Residential Space Standards
Supplementary Planning Guidance Note: Trees & Landscaping

3.2 Government Policy / Guidance

Planning Policy Wales (Edition 11) February 2021
Development Control Manual November 2016
Future Wales – The National Plan 2040

Technical Advice Notes
TAN 2 Planning and Affordable Housing (2006)
TAN 4 Retail and Commercial Development (2016)
TAN 5 Nature Conservation and Planning (2009)
TAN 8 Renewable Energy (2005)
TAN 11 Noise (1997)
TAN 12 Design (2016)
TAN 15 Development and Flood Risk (2004)
TAN 18 Transport (2007)
TAN 23 Economic Development (2014)
TAN 24 The Historic Environment (2017)

3.3 Other material considerations

4. MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Section 9.1.2 of the Development Management Manual (DMM) confirms the requirement that planning applications 'must be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise'. It 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.

The DMM further 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 (Section 9.4).

The DMM has to be considered in conjunction with Planning Policy Wales, Edition 11 (February 2021) and other relevant legislation.

Denbighshire County Council declared a climate change and ecological emergency in July 2019. In October 2020 the Council approved an amendment of its Constitution so that all decisions of the Council now have regard to tackling climate and ecological change as well as having regard to the sustainable development principles and the well-being of future generations.

The Council aims to become a Net Carbon Zero Council and an Ecologically Positive Council by 31 March 2030. Its goal and priorities are set out in its Climate and Ecological Change Strategy 2021/22 to 2029/30. The actions, projects and priorities in the Strategy directly relate to council owned and controlled assets and services. One priority of the Strategy is to promote the existing policies within the Local Development Plan (LDP) 2006 to 2021 and Supplementary Planning Guidance (SPG) which contribute to environmentally responsible development. In preparing these reports to determine planning applications we therefore highlight the LDP 2006 to 2021 and appropriate SPG. Applications that are determined in accordance with the LDP 2006 to 2021 are environmentally responsible developments.

Planning applications are assessed in accordance with statutory requirements including The Environment (Wales) Act 2016, national policy (Future Wales, PPW 11) and local policy (LDP 2006 to 2021) and therefore they are assessed with regard to tackling climate and ecological change which is a material consideration.

The following paragraphs in Section 4 of the report therefore refer to all statutory requirements, policies and 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 Affordable Housing
- 4.1.9 Open Space
- 4.1.10 Noise
- 4.1.11 Contaminated land
- 4.1.12 Impact on Listed Building/Impact on Conservation Area including setting
- 4.1.13 Sustainability
- 4.1.14 Impact on Welsh Language and Social and Cultural Fabric

4.2 In relation to the main planning considerations:

4.2.1 Principle

Local Development Plan The site is located within the development boundary of Rhyl, BSC1 allocation as identified within the LDP. Within the BSC 1 development boundary allocation, 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 other relevant LDP policy is Policy Denbighshire LDP Policy PSE 7 'Proposals for new retail development' which specifically identifies the application site for development that is "predominantly non-food retailing, leisure and commercial offices". Whilst the planning proposal primarily accords with land uses that are set out by this policy, there needs to be further consideration with regard to the residential element. It is understood that residential development is merely one element in the proposed mix of land uses and Planning Policy Wales, paragraph 4.2.17, acknowledges that housing development on previously developed land can assist regeneration efforts, and simultaneously relieve pressure for development on greenfield sites.

PSE 8 'Development within town centres' should be interpreted in line with 'Future Wales – The National Plan 2040' (2021) and Planning Policy Wales (Edition 11) (2021). Whilst there will be a small loss of retail premises towards the corner of High Street/ West Parade, the proposal for the newly erected buildings in this place includes a mix of uses A1, A3, D2 on the ground floor with offices above them. The mix of new uses will not only support a diversification in offers for residents and visitors in a key gateway location but does also contribute towards enhancing the vitality and viability of the town centre and would increase resilience to a declining retail offer in town.

Future Wales the national plan 2040 forms part of the development plan for Denbighshire. Rhyl is identified as lying within a Regional Growth Area as part of the spatial strategy of FW Policy 1 – Where Wales will Grow. The Regional Growth Areas

are identified as areas which will grow, develop and offer a variety of public and commercial services at regional scale.

NDF Policy 6 'Town Centre First' directs significant new development comprising of commercial uses, retail, leisure and public service facilities to town and city centre locations that have good access by public transport.

Policy 21 – Regional Growth Area – North Wales Coastal Settlements supports the development of regeneration opportunities to support the role of the town in providing jobs; leisure; retail and cultural opportunities. It is considered that the proposal is in line with the aspirations of Future Wales.

Planning Policy Wales para. 4.3.3 supports the NDF approach by emphasising that the planning system 'must promote viable urban and rural retail and commercial centres as the most sustainable locations to live, work, shop, socialise and conduct business.

In terms of principle the Strategic Housing and Policy Officer has outlined the policy position above and advised that there is no objection in principle to the proposal.

It is the opinion of Officers that the proposals for the re-development and improvements on the allocated PSE 7 Queens Market site are acceptable in principle. The detailed impacts are reviewed in the following sections of the report.

4.2.2 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 Development Management Manual advises at paragraph 9.4.3 as to what can be considered a material consideration, and states that the effects of a development on the neighbourhood and environment can be a material consideration. It is therefore considered that the impact of a proposal on the visual amenity of an area is a standard material consideration.

The site occupies a prominent location in Rhyl town centre. The application is made in hybrid form, with some matters such as the design of the front facing Residential, Library and Office/Commercial elements of the scheme (fronting West Parade, Queen Street and High Street) reserved for future approval. Plans have been submitted for the Market Hall and Events Space, service areas, open space with landscaping and the Queens Chambers buildings proposed to be retained and refurbished to create and entrance to the new Events Space and updated retail units.

The Market Hall and Events Space would have a contemporary yet functional steel framed design taking reference from the surrounding townscape and previous buildings on the site. The new buildings would be finished in a range of modern materials which appear complementary to the design.

Officers consider the design and detailing of the Market Hall, Events Space and Queens Chambers acceptable.

Whilst the public realm elements of the scheme have been included as part of the application the details provided in respect of hard and soft landscaping for these areas is lacking. Visually the use and function of these areas is not an issue, however conditions will be required to control the hard and soft landscaping details in the interests of visual amenity.

Officers acknowledge that the indicative 5 storey block fronting West Parade could give rise to prominent visual impacts in the street scene. However, in the absence of further details of the scale and design at this outline stage it is difficult to fully assess. Given the character of the area, the town centre location and constraints in terms of floor levels required by NRW, in general the parameters provided and the indicative scale are not considered completely excessive and it is hoped the Applicants will engage further with the LPA to develop these elements of the scheme going forward.

Considering the scheme in the round, Officers opinion is that subject to conditions to control details there are no grounds to resist the development on visual amenity grounds at this stage. It is not considered that the application conflicts with the visual impact policies of RD1.

4.2.3 Residential amenity

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

The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and 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; and the effects of a development on, for example, health, public safety and crime. The residential amenity impacts of development should therefore be regarded as a potential material consideration.

The site is located in a town centre location occupying a block of development bounded by West Parade, Queen Street and Sussex Street. The nearest dwellings/flats are on Queen Street with some residential uses above commercial properties on Sussex Street.

In terms of the principle of development on the site in the town centre location the proposals are considered broadly acceptable. The scheme may increase activity in the area by virtue of its positive regeneration impacts, however this is unlikely to impact significantly on any existing town centre residents. Having regard to the historic use of this site and the surrounding commercial and tourism character of the area Officers do not consider, when fully developed, this proposal would give rise to any unacceptable impacts on residential amenity.

Furthermore, National and Local Planning Policies seek to encourage more residential take up in town centre locations. The benefits to the economy and on housing provision in the County are clear. Living in a vibrant town centre location inevitably results in amenity levels which would differ to a quieter location. Subject to relevant controls on construction management Officers consider any residential amenity impacts for existing and proposed residents can be adequately mitigated.

4.2.4 Ecology

Local Development Plan Policy RD 1 test (iii) requires development to protect and where possible to enhance the local natural 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 (PPW 11) Section 6.4 'Biodiversity and Ecological Networks', current legislation and the Conservation and Enhancement of Biodiversity SPG, 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.

Planning Policy Wales (PPW 11) sets out that "planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means that development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity" (Section 6.4.5). PPW also draws attention to the contents of Section 6 of the Environment (Wales) Act 2016, which sets a duty on Local Planning Authorities to demonstrate they have taken all reasonable steps to maintain and enhance biodiversity in the exercise of their functions. It is important that biodiversity and resilience considerations are taken into account at an early stage when considering development proposals (Section 6.4.4).

The Council's Biodiversity Officer has considered the Ecology Report submitted in support of the application and raised no objections to the scheme. He suggests inclusion of conditions relating to biodiversity enhancements and precautions over site works in the Bird nesting season. He also suggests a condition requiring an ecological compliance audit. NRW has raised no objection to the proposed development in relation to the ecological issues.

On the basis of the relevant technical advice, Officers conclusion is that there would be no unacceptable ecological impacts and that suitable conditions can be attached to ensure proper measures to mitigate / protect and enhance ecological interests if permission is granted.

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 (PPW 11) Section 6.6.9 states 'The adequacy of water supply and the sewage infrastructure should be fully considered when proposing development, both as a water service and because of the consequential environmental and amenity impacts associated with a lack of capacity'.

Planning Policy Wales (PPW 11) Section 6.6.22 to 6.6.29 identifies flood risk as a material consideration in planning and along with TAN 15 – Development and Flood Risk, which provides a detailed framework within which risks arising from different sources of flooding should be assessed. TAN 15 advises that in areas which are defined as being of high flood hazard, development proposals should only be considered where:

- new development can be justified in that location, even though it is likely to be at risk from flooding; and
- the development proposal would not result in the intensification of existing development which may itself be at risk; and
- new development would not increase the potential adverse impacts of a flood event

Welsh Water has raised no objection in principle to the proposed development. However they have expressed concerns relating the precise siting of sewers within the site and the connection of surface water to the existing system. Conditions are recommended to require further information on drainage arrangements.

The site currently comprises of 100% impermeable surfaces, so the proposed development offers an opportunity to improve this. The Drainage Strategy states

surface water re-use is currently deemed unsuitable for the development, however as the phasing continues it is possible that some rainwater could be collected from roof areas and used for maintenance or irrigation. Although infiltration tests have confirmed that infiltration-based SUDs solutions are not possible for the site, permeable paving and tree pits (and associated underground attenuation tanks) are proposed. The Drainage Strategy refers to the intention to deal with foul water via the existing mains.

The site is not in a Flood Risk area however is bounded by a Zone C1, given the flood risk issue an Addendum to the originally submitted FCA was requested by NRW.

The addendum used data from the 2018 Denbighshire Strategic flood consequences assessment (SFCA) and confirmed that:

- "For period 2118 to 2121 sea levels are expected to rise by a further 58mm and as directed by NRW, this has been added to any modelled results.
- The 2018 Coastal Flood Boundary Extreme Sea Levels dataset provides lower estimates than the 2014 Extreme Sea Levels (ESL) data used in the SFCA, so adopting the 2014 levels is a conservative approach.
- For this site the worse-case design scenario is a breach at Rhuddlan Marine Lake, located on the tidal River Clwyd. Due to the estuarine location, it is sheltered from wave action and it is not considered necessary to assess the impacts of wave overtopping further.
- To meet both A1.14 and A1.15 of TAN15, each phase of the development will need to be constructed with the following minimum finished floor levels:
 - Phases P01 (Queens Market), P02 (Library and office), and P03 (Residential above ground floor food and beverage) to 7.06 m AOD
 - Phases P04 (Residential above ground floor food and beverage) and P05 (Office above ground floor food and beverage) to 7.04 m AOD.

With respect to the maximum flood water velocities on site (TAN15 A1.15) the SFCA modelling data provides a great deal of variation in expected velocities. The urban nature of the site, and the distance between the site and the worse-case design scenario (around 1.4 km), and the proposed raising of floor levels, means that the velocity of flood water is likely to be within tolerable thresholds.

Analysis shows that the change in footprint post-development is not expected to increase flood risk elsewhere, therefore the development meets the TAN15 A1.12 criteria.

Subject to the principle of the proposed development being accepted at this location, and based on the information and recommendations outlined within this Flood Consequences Assessment Addendum being implemented, from a flood risk standpoint the Hydrologists Mott MacDonald advised that "the Addendum concluded that there was no reason for the development not to proceed".

The intentions for drainage have been assessed by Natural Resources Wales and Welsh Water. The principle of sustainable drainage for this site are accepted and subject to the imposition of a planning condition to ensure precise details the specialist consultees raise no objections to the scheme.

The Regional Emergency Planning Team have been consulted on the application and raised no objection.

In relation to Flood Risk NRW have worked very closely with the applicants appointed consultants. Further detailed information has been provided on the potential flood risks and mitigation involving the raising of floor levels on the site agreed.

Having regard to the advice of the Technical Consultees Welsh Water and NRW on drainage and flood risk matters, Officers do not consider there are any significant drainage or flooding concerns to warrant refusal of the planning permission. Conditions will be required to assess full drainage details and whilst a range of drawings have been provided (final and indicative) with floor levels specified the FCA

Addendum requirement to raise these levels has been accepted by all parties, therefore conditions will also be required to control levels. In conclusion there is no conflicts with the drainage and flooding considerations of the policies set out above.

4.2.6 Highways (including access and parking)

Local Development Plan Policy RD 1 supports development proposals subject to meeting tests (vii) and (viii) which oblige provision of safe and convenient access for a range of users, together with adequate parking, services and manoeuvring space; and require 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. The Parking Standards in New Developments SPG sets out the maximum parking standards for new developments

These policies reflect general principles set out in Planning Policy Wales (PPW 11) and TAN 18 – Transport, in support of sustainable development.

The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and 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; and the effects of a development on, for example, health, public safety and crime. The highway impacts of development should therefore be regarded as a potential material consideration.

The Council's Highway Engineers have been closely involved with the development of the scheme at all stages. Having regard to the highway arrangements set out below they have raised no objections to the scheme.

The full element of the application, i.e. Phase 1 would enable pedestrian access to the site from West Parade via the new through route and Public Square provided between the new temporary landscaping. Pedestrian access will also be possible via the main entrance i.e. Queens Chambers to the event space on Sussex Street. Access to the public realm would also be retained via the passageway to the west of the existing Sussex Street church. Pedestrian access also be possible via the existing car park on Queen Street.

Servicing would take place on Sussex Street and from Queen Street. On Sussex Street any vehicles servicing the site would be restricted in line with the existing vehicle access restrictions. Access for servicing will also be possible from Queen Street via a new vehicular access point into the site with vehicles being able to turn within the landscaped area. The application documents demonstrate that there is sufficient visibility at the new access in line with Manual for Streets. A splay of 2.4 x 43m is achievable from the new access- suitable for a 30mph road.

It is proposed that new pedestrian and servicing routes within the public realm areas of the development would be adopted by DCC and become 'public highway'. Vehicles will be restricted from these public realm areas using the same TRO arrangement which is currently in place on High Street which will prevent car parking at all times and restrict access to service vehicles only.

Cycle parking would be provided as part of the Phase One development. It is acknowledged, however, that additional cycle parking will be required for the later residential and commercial phases. This can be controlled through the later phased submissions and through conditions.

Whilst Officers must accept that there is no new vehicular parking as part of this redevelopment scheme this must be weighed against relevant material issues. Firstly, there has never been any on-site vehicular parking at this site to service the multiple

uses therein. This is a town centre location accessible by multiple modes of transport. In addition, there are nearby Council car parks which can service this site.

In Officers' opinion the highways impact of the phased town centre regeneration scheme would not be significant. Officers consider that impacts can be mitigated and parking catered for within the town. The encouragement for the use of more sustainable and environmentally friendly modes of transport such as cycling and walking also meets the aims of the Council's Climate Change and Ecological Strategy.

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.

Local Development Plan Policy VOE1 seeks to protect sites of built heritage from development which would adversely affect them, and requires that development proposals should maintain and wherever possible enhance them for their characteristics, local distinctiveness and value to local communities.

Planning Policy Wales (PPW 11), Section 6 'Distinctive and Natural Places' recognises the need to conserve archaeological remains. The consideration of archaeological remains and their setting is a material planning consideration in determining planning applications, whether those remains are a scheduled monument or not.

CPAT have requested a copy of the pre-demolition survey for historic records and arrangements have been made to pass this on for the HER Record.

4.2.8 Affordable Housing

Policy BSC 1 of the Local Development Plan states that developers will be expected to provide a range of house sizes, types and tenures to reflect local need and demand. Policy BSC3 of the local development plan sets the basic requirement for development to contribute where relevant to the provision of infrastructure including affordable housing, in line with Policy BSC4. Policy BSC 4 seeks to ensure, where relevant, 10% affordable housing either on site on developments of 10 or more residential units or by way of a financial contribution on development of less than 10 residential units.

There is detailed guidance in the Affordable Housing Supplementary Planning Guidance on the approach to provision and demand.

Planning Policy Wales (PPW 11) Section 4.2.25 states that a community's need for affordable housing is a material planning consideration which must be taken into account in formulating development plan policies and the determination of planning applications. It states that where development plan policies make clear that an element of affordable housing is required on specific sites, this will be a material consideration.

The Planning Statement and Viability Information submitted states that there are some concerns over viability of the scheme should the application be required to provide 10% affordable housing.

The viability information is largely speculative given the final details of the residential element of the scheme are not currently being considered. In Officers opinion the provision of affordable housing is a policy requirement. In accordance with policy, it is now accepted practice to use a 'standard' form of planning condition, as worded by the Planning Inspectorate on appeal decisions in recent years, to cover the mechanism for provision of affordable housing. Officers suggest this approach to be appropriate in this instance and should viability issues warrant discussion these should be framed around a fully detailed scheme.

4.2.9 Open Space

Policy BSC 3 of the local development plan sets the basic requirement for development to contribute, where relevant, to the provision of infrastructure, including recreation and open space, in accordance with Policy BSC 11.

Policy BSC 11 specifies that all new housing developments should make adequate provision for recreation and open space. All such schemes put increased demand on existing open spaces and facilities and therefore the policy applies to all developments including single dwellings.

Given that residential element of the scheme will follow in a later phase, as is the case with the affordable housing provision, a planning condition to cover the mechanism for provision of open space will be attached to the planning permission.

4.2.10 Noise

The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and 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; and the effects of a development on, for example, health, public safety and crime.

Service plant/equipment on the Market Hall and Evens Space has the potential to generate noise, and other noise generating equipment may be required on the site.

However considering the noise report submitted Public Protection Officers are satisfied with the scheme. They confirm the need for condition(s) on any consent to ensure noise levels are controlled to acceptable limits and well as details to be submitted of plant and machinery alongside the reserved matters application.

4.2.11 Contaminated land

The need to consider the potential impact of contaminated land in relation to development proposals is contained in Planning Policy Wales (PPW 11) within Section 6 'Distinctive and Natural Places'. This requires planning decisions to take into account the potential hazard that contamination presents to the development itself, its occupants and the local environment; and assessment of investigation into contamination and remedial measures to deal with any contamination. Where there may be contamination issues, the Council should require details prior to determination of an application to enable the beneficial use of land. Planning permission may be granted subject to conditions where acceptable remedial measures can overcome such contamination. PPW states that if contamination cannot be overcome satisfactorily, the authority may refuse planning permission.

Given the historic mixed use of the site NRW have recommended a series of conditions to ensure there are no ground contamination risks on the site.

4.2.12 Impact on Listed Building/Impact on Conservation Area including setting

Local Development Plan Policy VOE1 seeks to protect sites of built heritage from development which would adversely affect them, and requires that development proposals should maintain and wherever possible enhance them for their characteristics, local distinctiveness and value to local communities.

Planning Policy Wales (PPW 11) Chapter 6 'Distinctive and Natural Places' states there should be a general presumption in favour of the preservation or enhancement of the character or appearance of a conservation area or its setting and the character of historic buildings should be safeguarded from alterations, extensions, or demolition that would compromise their special architectural and historic interest. Section 6.1.10 indicates that where a development proposal affects a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to

the desirability of preserving the building or its setting, and any features of special architectural or historic interest which it possesses.

Concerns have been raised by individuals with links to the Sussex Street Church that the proposal will impact on the setting of the Grade II Listed Building.

The Council's Conservation Officer has advised that he welcomes the redevelopment and regeneration of this prominent town centre site in Rhyl which borders the Conservation Area and has no objection subject to the inclusion of conditions to controls details and landscaping. He has considered the impact on the setting of the Church on Sussex Street and considers this has not been compromised. This Listed Church was previously surrounded by poor quality large scale development to the north. The site clearance has improved this and subject to detailed controls on the siting and design on future phases of development the Conservation Officer considers the setting of the Church can be protected.

In Officers' opinion the proposals would not have a negative impact on the Conservation Area or adjacent listed building. There is no conflict with the considerations of the relevant conservation policies.

4.2.13 Sustainability

The Energy and Part L Report prepared by BDP (Appendix 2) and the Sustainability Statement demonstrate that the development would respond to the relevant Local Development Plan (2006 – 2021) policies relevant to energy efficiency, renewable energy, sustainable transport, waste management, ecology and biodiversity, waste and water management. There is also a requirement for all non-residential developments over 1,000m² on a site over 1ha must meet BREEAM 'Very Good' standards.

A Sustainability Statement has been submitted in support of the application and the aspirations for the Market Hall building to achieve a BREEAM score of 60.28%, equating to a rating of 'Very Good' is welcomed. The proposal includes renewable technologies including air source heat pumps, a roof mounted solar array and energy efficient lighting and controls are specified throughout.

Going forward a strategy for delivering a low carbon development, accounting for all phases, has been proposed. Adopting the LETI guidance and approach, with the specifications included in this document, the entire development will use 73.6kWh/m²/year energy and will generate 44.3kWh/m² through renewable energy. This results in a site-wide residual energy consumption of 29.3kWh/m²/year which could be mitigated through further energy optimisation as well as offset and offsetting solutions.

4.2.14 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 Planning Policy Wales (PPW 11); TAN 20 and Policy RD 5 of the Local Development Plan. This is an allocated site within the Local Development Plan. Therefore TAN 20 (2017) provides the most up to date guidance on the consideration of the Welsh Language.

There are no representations expressing comment on the potential impacts of the proposals on the Welsh language and social and cultural fabric of the area.

A Community and Linguistic Assessment has been provided in support of the application. This does not raise any issues of principle in relation to Welsh language policies.

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 taken into account the requirements of Section 3 'Well-being duties on public bodies' and Section 5 'The Sustainable Development Principles' of the Well-being of Future Generations (Wales) Act 2015. The recommendation is made in accordance with the Act's sustainable development principle through its contribution towards Welsh Governments well-being objective of supporting safe, cohesive and resilient communities. It is therefore considered that there would be no significant or unacceptable impact upon the achievement of well-being objectives as a result of the proposed recommendation.

5. SUMMARY AND CONCLUSIONS:

- 5.1 The report sets out what Officers believe to be the main issues of relevance to the consideration of the application. Having regard to the responses from key consultees, other representations, the planning policies and material considerations, Officers consider that the proposal would have a positive impact on the town centre, and deliver a development that is broadly in keeping with the Councils policies and guidance, the NDF Future Wales and PPW.
- 5.2 Given the phased nature of the development in recommending the grant of permission, Officers are suggesting the imposition of a range of conditions, and recognise that due consideration would need to be given to the detailing of reserved matters proposals in terms of local impacts and further planning policy requirements.

RECOMMENDATION: GRANT- subject to the following conditions:-

1. The development to which this permission relates shall be begun no later than 8th September 2026
2. Approval of the details of the access, appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") of the outline elements of the application namely the Class C3 (residential apartments), Class A1 (retail), Class A2 (financial and professional), Class A3 (food and drink), Class B1 (Offices), Class D1 (non-residential), Class D2 (assembly and leisure) elements. All detailed matters for these elements are reserved for future applications and shall be submitted to and approved in writing by the Local Planning Authority before any development begins, and the development shall subsequently be carried out as approved.
3. The development hereby permitted shall be carried out in strict accordance with details shown on the following submitted plans and documents unless specified as otherwise within any other condition pursuant to this permission
 - (i) Planning and Heritage Statement (January 2021 R1)
 - (ii) Design and Access Statement (Revision 00)
 - (iii) Pre-Application Consultation Report (January 2021 R1)
 - (iv) Community and Linguistic Impact Assessment (January 2021 R1)
 - (v) Phase 1 Preliminary Risk Assessment (Ref: 074024-CUR-00-XX-RP-GE-001 Rev. V01)
 - (vi) Phase 2 Ground Investigation Report (Ref: 074024-CUR-00-XX-RP-GE-002 Rev. V02)
 - (vii) Flood Consequences Assessment (December 2020 Rev. P02)
 - (viii) Foul and Surface Water Drainage Strategy (Ref: 074024-CUR-00-XX-RP-C-00001 Rev.V03)
 - (ix) Drainage Maintenance Requirements (Ref: 074024-CUR-00-XX-RP-C-00002 Rev. V01)
 - (x) Flood Resilience Technical Note (12/1/21)
 - (xi) Transport Statement and Framework Travel Plan (Ref: 399989-001-E)
 - (xii) Sustainability Statement (Ref: P3001013-SUS Rev. 3)
 - (xiii) Site Wide MEP Strategy (Ref: QMR-BDP-ZZ-XX-RP-MEP-02 Rev. P03)

- (xiv) Market and Events Hall Energy Report (Part L) (Ref: QMR-BDP-ZZ-XX-RP-YS-02 Rev.P02)
- (xv) Preliminary Bat Roost Assessment, Nesting Bird Check and Emergence Surveys (Version 2)
- (xvi) Environmental Noise Assessment Report (Ref: P3001013(REP)U001 Rev. P02)
- (xvii) Lighting Strategy For Planning (Ref: QMR-BDP-MH-XX-RP-YL-01 Rev. P01)
- (xviii) Ventilation and Extraction Statement - for Planning (Ref: 3853r1)
- (xix) Financial Viability Note (January 2021 R1)

Drawings

- (i) Site Location Plan (Drawing No. QM SKM (00)001 Rev. B)
- (ii) Proposed demolition (Drawing No. QM SKM (00)002 Rev. B)
- (iii) Site Boundary (Drawing No. QM SKM (00)003 Rev. B)
- (iv) Existing West Parade elevation (Drawing No. QM SKM (00)020 Rev. A)
- (v) Existing Queen Street elevation (Drawing No. QM SKM (00)021 Rev. A)
- (vi) Existing Sussex Street elevation (Drawing No. QM SKM (00)022 Rev. A)
- (vii) Existing High Street elevation (Drawing No. QM SKM (00)023 Rev. A)
- (viii) Existing site section AA (Drawing No. QM SKM (00)030 Rev. A)
- (ix) Existing site section BB (Drawing No. QM SKM (00)031 Rev. A)
- (x) Existing site section CC (Drawing No. QM SKM (00)032 Rev. A)
- (xi) Proposed West Parade elevation (Drawing No. QM SKM (00)050 Rev. A)
- (xii) Proposed Queen Street elevation (Drawing No. QM SKM (00)051 Rev. A)
- (xiii) Proposed Sussex Street elevation (Drawing No. QM SKM (00)052 Rev. A)
- (ix) Proposed High Street elevation (Drawing No. QM SKM (00)053 Rev. A)
- (x) Proposed site section AA (Drawing No. QM SKM (00)060 Rev. A)
- (xi) Proposed site section AA (Drawing No. QM SKM (00)061 Rev. A)
- (xii) Proposed site section CC (Drawing No. QM SKM (00)062 Rev. A)
- (xiii) GA Ground floor plan (Drawing No. QM SKM (00)101 Rev. B)
- (xiv) GA First floor plan (Drawing No. QM SKM (00)102 Rev. B)
- (xv) GA Second floor plan (Drawing No. QM SKM (00)103 Rev. B)
- (xvi) GA Roof plan (Drawing No. QM SKM (00)104 Rev. B)
- (xvii) GA Ground floor plan (Drawing No. QM SKM (00)105 Rev. B)
- (xviii) Ground floor plan (Drawing No. QM SKM (20)100 Rev. B)
- (xix) First floor plan (Drawing No. QM SKM (20)101 Rev. B)
- (xx) Second floor plan (Drawing No. QM SKM (20)102 Rev. B)
- (xxi) Roof plan (Drawing No. QM SKM (20)103 Rev. B)
- (xxii) Elevation 01 (Drawing No. QM SKM (20)200 Rev. A)
- (xxiii) Elevation 02 (Drawing No. QM SKM (20)201 Rev. A)
- (xxiv) Elevation 03 (Drawing No. QM SKM (20)202 Rev. A)
- (xxv) Elevation 04 (Drawing No. QM SKM (20)203 Rev. A)
- (xxvi) Section AA (Drawing No. QM SKM (20)300 Rev. A)
- (xxvii) Section BB (Drawing No. QM SKM (20)301 Rev. A)
- (xxviii) Section CC (Drawing No. QM SKM (20)302 Rev. A)
- (xxix) Section DD (Drawing No. QM SKM (20)303 Rev. A)
- (xxx) Phase 01 (Drawing No. QM SKM (PH)001 Rev. B)
- (xxxi) Phase 02 (Drawing No. QM SKM (PH)002 Rev. B)
- (xxxii) Phase 03 (Drawing No. QM SKM (PH)003 Rev. B)
- (xxxiii) Phase 04 (Drawing No. QM SKM (PH)004 Rev. B)
- (xxxiv) Ground max building (Drawing No. QM SKM (PP)100 Rev. B)
- (xxxv) Upper max building (Drawing No. QM SKM (PP)101 Rev. B)
- (xxxvi) Max building heights (Drawing No. QM SKM (PP)102 Rev. B)
- (xxxvii) Public Realm (Drawing No. QM SKM (PP)103 Rev. B)
- (xxxviii) Ground floor use (Drawing No. QM SKM (PP)104 Rev. B)
- (xxxix) Upper floor use (Drawing No. QM SKM (PP)105 Rev. B)
- (xl) 3d Massing extents (Drawing No. QM SKM (PP)106 Rev. B)
- (xli) Flood Consequences Assessment Addendum received 26 July 2021

4. Development on the site shall only proceed in strict accordance with a phasing strategy to be submitted to and approved in writing by the Local Planning Authority, prior to the commencement of development.
5. No development shall be permitted to commence until the written approval of the Local Planning Authority has been obtained to the detailed phasing, layout, design, means of traffic calming, street lighting, signing, drainage and construction of the access/accesses to the site, footway links and associated highway works. The scheme shall proceed in accordance with such approved details.
6. No development on subsequent phases (i.e. the outline elements of the scheme) shall be permitted to commence until the written approval of the Local Planning Authority has been obtained to the arrangements for securing compliance with the Council's Policies and Supplementary Planning Guidance in relation to Affordable Housing. The development shall proceed strictly in accordance with the approved arrangements.
7. No development on subsequent phases (i.e. the outline elements of the scheme) shall be permitted to commence until the written approval of the Local Planning Authority has been obtained to the arrangements for securing compliance with the Council's Policies and Supplementary Planning Guidance in relation to Open Space. The development shall proceed strictly in accordance with the approved arrangements.
8. No development on Phase 1 of the scheme (with the exception of demolition) shall commence until a detailed Landscaping scheme for that Phase including all public areas and temporary open space to West Parade has been submitted to, and approved in writing by, the Local Planning Authority.

The landscaping scheme shall include details of:

 - (a) all existing trees (including spread and species), hedgerows and other vegetation on the land, identifying those to be retained, and measures for their protection in the course of development.
 - (b) proposed new trees, hedgerows, shrubs or vegetation, including confirmation of species, numbers, and location and the proposed timing of implementing the planting; *this must include a species list for the new planting, and only feature species of known benefit to wildlife. No species listed on schedule 9 of the Wildlife and Countryside Act (1981), as amended, or species listed on the Invasive Alien Species of Union concern (EU Regulation 1143/2014 on invasive alien species) should be included in the planting list. T
 - (c) proposed materials to be used on any roads, paths and other hard surfaced areas;
 - (d) 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;
 - (e) Proposed positions, design, materials and type of boundary treatment, including screen walls and fences, and the timing of implementing the treatment ;
 - (f) Any minor artefacts and structures, including street furniture, play equipment, refuse and other storage equipment, signs,
 - (g) The timing of the carrying out of the planting, landscaping, erection of screen walls and fences relative to the different elements of the development
 - (h) A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscaped areas, other than small privately owned, domestic gardens.
9. All planting, seeding or turfing, screen walling and fencing, and boundary treatment comprised in the approved details of landscaping shall be completed strictly in accordance with the timescale set out therein. 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.

10. No development of any of phase of the scheme shall take place until a fully detailed scheme of foul drainage and surface water drainage for that phase has been submitted to, and approved by, the Local Planning Authority and the approved scheme shall be completed before the occupation of that part of the development.
11. Prior to the application of any external materials on any of the new buildings hereby permitted (in the full element of the application) details of the wall and roof materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
12. Prior to the commencement of any works on the refurbishment of the Queen Chambers building hereby approved, full details of windows, doors and shopfront shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
13. No development (with the exception of demolition) shall be permitted to commence until the written approval of the Local Planning Authority has been obtained for a biodiversity enhancement plan for that particular phase. This should be produced in line with recommendations in the ecological report, and show the location and specification of all biodiversity mitigation and enhancement measures proposed on appropriate plans and drawings. This must be approved in writing by the LPA. The approved measures shall be Implemented in full for each phase of the development.
14. Prior to the completion of each phase of the development, details of an Ecological Compliance Audit (ECA) for the scheme shall be submitted to and approved in writing by the Local Planning Authority. The ECA shall be completed in accordance with the submitted details.
15. The development shall be carried out in accordance with the recommendations contained in the Mott McDonald Addendum Flood Consequences Assessment August 2021 including recommendations relating to required FFL's. The precise FFL's shall be submitted to and agreed in writing with the LPA prior to commencement of any relevant development.
16. Prior to the occupation of each phase of the development, full details of full noise mitigation measures as detailed in the submitted noise assessment relating to any external plant and the residential units within the development should be submitted and agreed in writing with the Local Planning Authority.
17. No external lighting shall be installed without the formal written approval of the local planning authority to the detailing of the proposed lighting, including emergency/security lighting. The details shall include the design of the lighting and associated columns / means of fixture to buildings, their position, height, the means and intensity of illumination, hooding, the extent of illumination and the anticipate spread of light, the hours of operation of the lights, and any proposals for use of reduced intensity outside hours of operation of the business. The approved scheme shall be implemented strictly in accordance with the approved details.
18. No development on any phase of the scheme (with the exception of demolition) shall commence until the written approval of the Local Planning Authority has been obtained to a detailed Construction Method Statement. The Statement shall provide details of:
 - a) the arrangements for the parking of vehicles of site operatives and visitors;
 - b) the location of any construction compound and measures to reinstate the land following completion of the works
 - c) the hours of site works and deliveries
 - d) the proposed routing of delivery vehicles, and directional signing along public roads where necessary
 - e) the location of areas designated for the loading, unloading, and storage of plant and materials;
 - f) the proposals for security fencing or hoardings around the site
 - g) pollution prevention and control measures, including measures to control the emission of dust and dirt, and to prevent pollution of watercourses

- h) wheel washing facilities;
- i) a scheme for recycling/disposing of waste resulting from demolition and construction works.
- j) any proposed external lighting
- k) the piling methods, in the event that this form of foundation construction is proposed

The development shall be carried out strictly in accordance with the approved elements of the Construction Method Statement throughout the construction period.

19. No development (with the exception of demolition) on any phase of the development shall be permitted to commence until the formal written approval of the Local Planning Authority has been obtained to a detailed scheme to deal with contamination of the site. The scheme shall include details of an investigation and assessment to identify the extent of contamination and the measures to be taken to avoid risk to the environment when the site is developed, including the timescale for the completion of the works. Any approved scheme for decontamination of the site shall be fully implemented and completed in accordance with the agreed timescale.
20. No development (with the exception of demolition) on any phase shall be permitted to commence until the formal written approval of the Local Planning Authority has been obtained to the following components of a scheme to deal with the risks associated with contamination of the site:
 - i) A preliminary risk assessment which has identified:
 - o all previous uses
 - o potential contaminants associated with those uses
 - o a conceptual model of the site indicating sources, pathways and receptors
 - o potentially unacceptable risks arising from contamination at the site.
 - ii) A site investigation scheme, based on (i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - iii) The site investigation results and the detailed risk assessment (ii) 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.
 - iv) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (iii) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components shall require the written consent of the Local Planning Authority. The scheme shall be implemented as approved.
21. No building hereby permitted shall be permitted to be brought into use until the formal written approval of the Local Planning Authority has been obtained to a verification report demonstrating completion of the works set out in the approved remediation strategy. 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. 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. 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.
22. If, during development, contamination not previously identified is found to be present at the site, then no further works (unless otherwise agreed in writing by the Local Planning Authority) shall be carried out until the written approval of the Local Planning Authority has been obtained to a remediation strategy detailing how this unsuspected contamination will be dealt with, including the timescale for completing the works. Any approved scheme for decontamination of the site shall be fully implemented and completed in accordance with the agreed timescale.

The reasons for the conditions are:-

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990
3. For the avoidance of doubt and to ensure a satisfactory standard of development.
4. In order to ensure development is progressed within a reasonable time frame having regard to various constraints.
5. In the interest of the free and safe movement of traffic on the adjacent highway and to ensure the formation of a safe and satisfactory access.
6. In the interest of compliance with Councils adopted affordable housing policies.
7. In the interest of compliance with Councils adopted open space policies.
8. In the interests of visual amenity and biodiversity enhancement.
9. In the interests of visual amenity and biodiversity enhancement.
10. In the interest of the management of flood risk and surface water management.
11. In the interest of visual amenity.
12. In the interest of visual amenity and to protect the character and appearance of the Conservation Area.
13. To protect ecological interests.
14. To protect ecological interests.
15. In the interests of residential amenity.
16. In the interests of residential amenity.
17. In the interests of visual and residential amenity.
18. In the interest of safety and the free flow of traffic on the adjoining highway and amenity of the area.
19. In order to ensure there is adequate consideration of potential contamination on the site and measures to address it to eliminate any risks to users of the site and the natural environment.
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