

**ITEM NO:**

**WARD NO:** Rhyl West

**APPLICATION NO:** 45/2006/1200/ PF

**PROPOSAL:** Demolition and redevelopment of 7.625 hectares of land to provide a mixed use development comprising 217 residential apartments, hotel, assembly and leisure, business, retail, cafes, restaurants and public houses, car parking, new public realm and ancillary uses together with associated highways and other works, including 10 no. 6kw wind turbines and 3 no. potential PV solar installations

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

**APPLICANT:** Modus Properties Ltd.

**CONSTRAINTS:** Article 4 Direction  
Areas Benefiting From Defences  
Groundwater Vulnerability  
Historic Contaminative Use  
C1 Flood Zone  
Wildlife Site

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

**CONSULTATION RESPONSES:**

1. RHYL TOWN COUNCIL

"While supporting the overall development proposal concerns expressed as to the impact on traffic flows travelling over the Foryd Bridge and caused by the traffic control signals at the junction of Foryd Road and Chester Avenue. Whilst relocation of the Asda store might reduce traffic numbers the problem is known to increase significantly during the summer season suggesting the closing of the Kinmel Bay Asda store will not resolve the problem. Further consideration on this element of the application is requested."

2. HEAD OF TRANSPORT AND INFRASTRUCTURE

Awaiting response to additional information.

3. ENVIRONMENT AGENCY

Site lies entirely within Zone C1 as defined by TAN 15. Section 6 of TAN 15 requires authority to determine whether the development at this location is justified. Awaiting further report on condition of existing sea and tidal defences. Detailed flood risk comments will be produced on submission of the FCA.

Attenuation will be required within the surface water drainage systems.

Recommend conditions relating to contamination and drainage.

4. WELSH WATER

Request hydraulic modelling assessment of the public sewerage system. No problems are envisaged with the capacity of waste water treatment works.

5. COUNTRYSIDE COUNCIL FOR WALES

Satisfied that the measures outlined in the Environmental Assessment are suitable to offset or mitigate any effects on the adjacent wildlife site and protected species.

6. DEPARTMENT OF ENTERPRISE INNOVATION AND NETWORKS (DEIN) – WELSH ASSEMBLY GOVERNMENT

In regeneration terms the scheme will be beneficial. Concerns about job outputs being fully realised; implementation of residential elements to ensure high quality principles are turned into reality; maximising obligations so that significant contributions can be made towards the Foryd Harbour

development Question viability of the office development. The siting of office element vis-à-vis hotel will impede views from the hotel of the harbour.

Concerns about amount of retail that will be located on the site and impact on the deliverability of the town centre scheme currently being progressed by WAG and DCC.

7. CIVIL AVIATION AUTHORITY  
No objection.
8. CLWYD POWYS ARCHAEOLOGICAL TRUST  
Recommend watching brief during excavation and photographic record of amusement park.
9. COUNTY ARCHAEOLOGIST  
Recommends archaeological watching brief and photographic survey of funfair. Would also like to see geotechnical work which is to be carried out.
10. ACCESS OFFICER  
Awaiting response to additional Access Statement information.
11. CONTAMINATED LAND OFFICER  
Recommends conditions to deal with contamination of soil and ground water caused by previous presence of ship building yard and petrol filling station on the site.  
  
Consumer Safety Officer has been involved with contractors working on the removal of underground tanks from a former petrol filling station.
12. SENIOR SCIENTIFIC SERVICES OFFICER  
Drainage to the estuary should not affect quality of water in the Foryd, at Rhyl Beach and Marine Lake.
13. CONWY COUNTY BOROUGH COUNCIL  
Concerns about retail aspect and loss of convenience and food retailing from Kinmel Bay. Would wish to see smaller convenience store on Kinmel Bay site. Also concerns about impact of traffic flows, tourism market, and offices being contrary to NE Wales Spatial Strategy.
14. HOUSING STRATEGY OFFICER  
Awaiting response on additional information.
15. HEAD OF COUNTRYSIDE AND LEISURE  
Draws attention to potential Section 106 contributions and possibility of contribution to water sports centre at Marine Lake.
16. HEAD OF DEVELOPMENT SERVICES  
Supports proposal.
17. COASTAL DEFENCE UNIT  
Access required to sea wall and promenade. Discussions on going with developer as to works required to harbour wall on West Parade side.
18. COUNTY ECOLOGIST  
Environmental Assessment addresses concerns. Need for conditions to deal with potential impacts on birds and bats. Landscaping to provide environment for protected species and wildlife corridor.
19. SECTION MANAGER CCTV  
Discussions ongoing with developer about linking the development with the existing CCTV system.
20. VALUATION AND ESTATES  
Council car park will need to be acquired by the developer. Consent will be required for any works to the Marine Lake embankment.

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

Letters of representation received from:

1. West Rhyl Community Company Ltd

2. Rhyl Environmental Association
3. Rhyl Steam Preservation Trust
4. Mr. G. Sheehan, Weighbridge House, Southport Road, Scarisbrick, Lancashire (operator of the Hungry Tum, 2 Sydenham Avenue, Rhyl)
5. Judith Samuel, 6, Seabank Road, Rhyl
6. Gary Web, The Barn, Carroway Head, Canwell, Staffordshire
7. Mr Bradshaw (no address given)

**Summary of planning based representations:**

- i) Affordable housing - would wish to see developer working with local community to redevelop existing properties rather than provision of a few units of affordable housing or commuted sums to be transferred to DCC or RSL.
- ii) New housing should not be an exclusive gated community and needs to be integrated into West Rhyl community.
- iii) Impact of additional traffic on Kinmel Bay, lights, H Bridge, Blue Bridge, Wellington Road, Vale Road and surrounding residential streets.
- iv) Question whether there is sufficient parking provision for the Asda store as this may result in on street parking in surrounding residential streets.
- v) Food store and other elements need to contribute to reducing unemployment in Rhyl area.
- vi) Leisure uses should not include casino or bingo.
- vii) Scale and height of apartments will have significant visual impact.
- viii) Impact of apartments and wind turbines on bird flight paths.
- ix) Development should be sustainable in design and take into account climate change including recent WAG consultation paper.
- x) Asda may draw away shoppers from Rhyl Town Centre.
- xi) Flood risk measures should not increase flood risk to surrounding areas.
- xii) Question sewerage capacity of systems and treatment works.
- xiii) Noise from development should be mitigated so that it does not have an impact on nearby residential properties.
- xiv) Construction should be monitored to ensure properly carried out.
- xv) Plant species should encourage biodiversity.
- xvi) Public toilets should be provided on the site for visitors to the area and Marine Lake.
- xvii) Nuisance and staining caused by gulls and pigeons needs to be taken into account.
- xviii) Impact of light pollution on natural light over the harbour.
- xix) Replacement of historic theme park with an Asda is a backward step for Rhyl as a tourism resort.
- xx) Closure of Sydenham Avenue at the West Parade end will have an impact on café business.
- xxi) Need for pedestrian access between the development and Sydenham Avenue.
- xxii) Need for pedestrian access and links between the development and the new station to the miniature steam railway and Marine Lake.

**EXPIRY DATE OF APPLICATION: 04/02/2007**

**REASONS FOR DELAY IN DECISION:**

- additional information and revised plans required from applicant
- consultation and publicity on revised plans and additional information
- on-going assessment of the application

**PLANNING ASSESSMENT:**

**THE PROPOSAL:**

**THE PLANNING APPLICATION**

1. Full planning permission is sought for a mixed use development on a 7.6 hectare triangular site known collectively as Ocean Beach. A proposal involves the following main elements:
  - i) A retail food store of 9,384 sq.m (101,000 sq.ft). This involves a relocation of the existing Asda at Kinmel Bay to the site. The existing Asda has a floor space of 5,364 sq.m (57,700 sq.ft)
  - ii) 230 dwellings comprising one and two bed roomed flats.
  - iii) A 89 bed hotel.
  - iv) A leisure building of 3,716 sq.m (40,000 sq.ft)
  - v) Office floor space (B1 business) of 3,810 sq.m (41,000 sq.ft)
  - vi) Commercial floor space comprising a mix of A1, A2 and A3 uses with a floor space of 2,149 sq.m (23,100 sq.ft).

- vii) Car parking facilities to serve the various uses comprising a total of 932 spaces.
  - viii) New access routes and service access to serve the development.
  - ix) Provision of an urban park and promenade.
2. The proposed site layout is indicated on the plans accompanying this report but in summary is proposed as follows:
- i) The food store to be sited on the south east part of the site with a service area between the store and Sydenham Avenue with service access to be gained from West Parade to the north. The building would be predominantly on a single floor with a mezzanine area to the rear providing a customer restaurant and staff areas. The main entrance of the store would face west fronting the car parks. It would be constructed externally using glazing and metal and timber cladding on a Welsh slate base with a aluminium standing seam roof.
  - ii) 196 one and two bed apartments would be sited on the northern part of the site fronting West Parade. These would be above ground floor commercial uses on 5 floors of accommodation in 4 blocks. The blocks would be approximately rectangular in shape and aligned along a north east – south west access. The external appearance would comprise a mix of white and coloured render panels with coloured balconies and timber infills and aluminium standing seam cladding to the roof. Access would be via entrances off the promenade or from parking area to the rear. Raised garden areas would serve the flats above the rear parking.
  - iii) A total of 34 no. residential units are proposed on the south east corner of the site in a 4 storey L-shaped block. The building would be constructed using a mixture of timber cladding and render with zinc roofs and aluminium clad windows. Parking would be provided at ground floor level.
  - iv) The hotel will be situated at the west end of the site and would comprise a six storey building with restaurant, reception and ancillary facilities on the ground floor and bedrooms on the upper five floors. The elevations would comprise a brick ground floor with render panels above punched through with curtain walling and aluminium framed windows. The hotel would have a separate service access and provision for 61 car parking spaces.
  - v) The leisure building would be two storeys in height (maximum height of some 13m) and would be sited towards the western end of the site close to Wellington Road. It would have a mix of aluminium cladding and render and glazing to the elevations. Access would be from an internal service road leading to a parking area for 68 spaces. A servicing access would be located to the north of the building.
  - vi) Ground floor commercial uses (A1, A2 and A3) would front onto West Parade below the apartments and offices (see 7 below). These would comprise glazing and shop fronts at ground floor level. Offices would be provided above an L-shaped block between the apartments and the hotel with 3 floors of office space above the western half and two floors above the eastern half. The elevations will be formed using predominantly brick and glazing with some timber cladding. Vehicular access to the office blocks would be via the new internal road layout from Wellington Road with 28 parking spaces provided.
  - vii) Vehicular access to the development would be primarily from a new highway running through the site linking Wellington Road with West Parade with separate service accesses to the hotel and foodstore. The new highway would serve parking areas for the apartments, offices, foodstore and leisure building with internal access roads serving the parking areas. A new roundabout will be provided at the junction of the new highway and Wellington Road to replace an existing roundabout at the junction of Wellington Road and West Parade. The provision of the new highway would facilitate the closing off of West Parade to vehicular traffic to form a promenade. Quay Street would also be subsumed into the development. Sydenham Avenue would be closed off to through traffic at it's northern end. Pedestrian crossing points will be provided across the new highway and across Wellington Road between the site and Marine Lake to the south.
  - viii) Open space will be provided on the site in the form of the newly formed promenade and an urban park linking West Parade with the foodstore and it's parking area.
  - ix) Due to the fall in levels across the site from north to south the site would be developed on 2 distinct levels, particularly towards the eastern end of the site. Thus, the apartments would be at promenade level as would be the urban park and the new highway through the site whereas the

foodstore and it's parking areas, (including some located beneath the urban park) would be some 3.5m lower.

- x) The proposals also include 10 wind turbines to the promenade area. These would be designed to provide a promenade feature. The scheme overall seeks to achieve a high level of sustainability. In addition to its brownfield and mixed use development credentials, the following elements are sought – high EcoHomes assessment, waste management and energy strategy for the buildings, and green travel plans.
3. The application was received in December 2006. It has been accompanied by the following documents:
- i) Environmental Impact Assessment (together with an addendum)
  - ii) Planning Statement
  - iii) Regeneration Statement
  - iv) Design and Access Statement
  - v) Retail Assessment
  - vi) Transport Assessment
  - vii) Flood Consequence Assessment, and detailed reports on the River Clwyd Embankment, Tidal Inundation and Breach Scenario, and Wave Overtopping
  - viii) Geoenvironmental Appraisal

#### **SITE AND SURROUNDINGS**

4. The triangular site is bordered by West Parade to the north, Wellington Road to the south, and Sydenham Avenue to the east. Quay Street, an adopted highway, currently runs north to south through the site. The site is currently occupied by the Ocean Beach Funfair, a car park, several residential properties, the site of a former petrol filling station, and hard surfaced areas used for markets and car boot sales and coach and car parking. To the north of the site, beyond the West Parade, lies the River Clwyd Estuary and Foryd Harbour area. To the south of the site, across Wellington Road, lies Marine Lake which is used for water sports and informal recreation and has the miniature steam railway running around it's perimeter. To the east of the site beyond Sydenham Avenue are predominantly residential streets containing terraced housing. At the head of Sydenham Avenue, fronting onto West Parade, there are some leisure and amusement uses located in modern buildings.

#### **PUBLICITY AND CONSULTATION**

5. The developer undertook consultation with local residents and local stakeholders in the Autumn of 2006 with the holding of a public exhibition at Rhyl Town Hall, including a customer response form and a public meeting at the Sun Inn, Wellington Road. Meetings have also taken place with the local MP and AM, Local Members and the Design Commission for Wales.
6. The application itself has been subject to statutory publicity through press and site notices and letters to nearby properties. Consultation has taken place with consultees, including on the Environmental Statement, to fulfil statutory requirements. The Environmental Statement has been sent to the National Assembly for Wales in accordance with environmental assessment regulations.
7. A member site inspection and briefing took place on 8<sup>th</sup> March 2007 with all County Councillors and the Town Council invited at the Rhyl Town Council offices at the Wellington Community Centre, Wellington Road, Rhyl. The following were in attendance:

County Councillors:- Selwyn Thomas, David Thomas, Diana Hannam, Brian Blakeley, Hugh Jones and Tom Hodgson.

Rhyl Town Councillors: I Armstrong and D Campbell

Officers present were Mark Dakeyne and Medwyn Williams from the County Council and Gareth Nickels from Rhyl Town Council.

Apologies were received from County Councillors Joan Butterfield and Meirick Lloyd Davies.

The following issues were raised at the site visit and briefing:

- i) Traffic Issues, particularly impact on the Foryd Bridge and Kinmel Bay traffic light controlled cross roads.
- ii) Need to introduce traffic management measures to reduce the risk of rat running through nearby residential streets.

- iii) Need for provision of coach parking on the site.
- iv) Impact of the servicing bay for the food store on nearby residential properties.
- v) Impact during construction of activities such as pile driving.
- vi) Links to the town centre via improved bus services and/or land drain.
- vii) Retention of historic vent pipe at the head of Quay Street.

#### **RELEVANT PLANNING HISTORY:**

- 8. None on the site directly relevant to the current application. Many applications relating to the existing and historic uses on the site including the funfair, market and car boot sales, and parking areas.

#### **PLANNING POLICIES AND GUIDANCE:**

##### **9. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3<sup>rd</sup> July 2002)**

- Strategic Policies 1, 2, 5, 6, 8 10 & 11
- Policy GEN 1 – Development Within Development Boundaries
- Policy GEN 6 – Development Control Requirements
- Policy GEN 8 – Planning Obligations
- Policy GEN 9 – Environmental Assessment/Statement
- Policy GEN 10 – Supplementary Planning Guidance
- Policy GEN 13 – Public Art
- Policy ENV 1 – Protection of the Natural Environment
- Policy ENP 1 – Pollution
- Policy ENP 4 – Foul and Surface Water Drainage
- Policy ENP 6 – Flooding
- Policy ENP 8 – Contaminated Land
- Policy CPZ 1 – Development Within the Coastal Planning Zone
- Policy CPZ 2 – Design and Coastal Planning Zone Development
- Policy CPZ 3 – Rhyl/Prestatyn Sea Front
- Policy CPZ 4 – Coastal Defence and Flooding
- Policy CPZ 6 – Public Access
- Policy CPZ 8 – Foryd Harbour, Rhyl
- Policy HSG 2 – Housing Development in Main Centres
- Policy HSG 10 – Affordable Housing Within Development Boundaries
- Policy EMP 4 – Employment Development Within Development Boundaries
- Policy EMP 6 – Office Development
- Policy EMP 10 – Protection of Employment Land/Buildings
- Policy RET 1 – Town and District Centres
- Policy RET 3 – Food Supermarkets
- Policy RET 4 – Non Food Retail Stores or Warehouses
- Policy RET 8 – Town Centre Redevelopment: Rhyl
- Policy RET 16 – Food and Drink – Hot Food Takeaways
- Policy TSM 1 – Tourism Development
- Policy TSM 14 – Foryd Harbour/Ocean Beach Rhyl
- Policy RET 2 – Amenity and Recreational Open Space Requirements in New Developments
- Policy REC 4 – Recreation facilities within Development Boundaries
- Policy TRA 6 – Impact of New Development on Traffic Flows
- Policy TRA 7 – Road Design
- Policy TRA 8 – Transport Requirements in Major Developments
- Policy TRA 10 – Public Rights of Way
- Policy TRA 11 – Walking and Cycling Routes
- Policy MEW 8 – Renewable Energy
- Policy MEW 10 – Windpower

#### **Supplementary Planning Guidance**

- Draft SPG Note – Design (Residential Guide)
- SPG 2 – Landscaping in New Developments
- SPG 4 – Open Space Requirements
- SPG 7 – Self Contained Flats and Houses in Multiple Occupation
- SPG 8 – Access for All
- SPG 11 – Hot Food Take Aways
- SPG 12 – Shop Fronts
- SPG 15 – Archaeology

SPG 18 – Nature Conservation and Species Protection  
SPG 21 – Parking  
SPG 22 – Affordable Housing

**Other Council Documents**

Denbighshire Economic Growth Strategy (Consultation Draft July 2006)  
Rhyl Going Forward April 2004  
West Rhyl Regeneration Area Strategy March 2006  
Denbighshire Retail and Leisure Study February 2003 together with quantitative retail capacity update September 2006

**GOVERNMENT GUIDANCE**

Wales Spatial Plan November 2002  
Planning Policy Wales March 2002  
TAN 2 – Planning and Affordable Housing 2006  
TAN 4 – Retailing and Town Centres 1996  
TAN 5 – Nature Conservation and Planning 1996  
TAN 11 – Noise 1997  
TAN 12 – Design 2002  
TAN 13 – Tourist 1997  
TAN 14 – Coastal Planning 1998  
TAN 15 – Development and Flood Risk 2004  
TAN 16 – Sport and Recreation 1998  
TAN 18 – Transport March 2007

**MAIN PLANNING CONSIDERATIONS:**

10. This assessment seeks to deal with the main issues arising from the planning application, taking into account the significant amount of background material in terms of the various reports submitted with the application, including the Environmental Impact Assessment, and the planning policy context. The report should therefore be read in conjunction with these background papers.
11. The main considerations to be considered in this report are as follows:
  - i) The principle of the development taking into account national and local planning policies, particularly in relation to site specific designations, retail policy, the residential and commercial elements, flood risk and the regeneration aspects of the development.
  - ii) The capacity of highway network and impact on highway safety.
  - iii) Accessibility of site to different modes of travel.
  - iv) Car and cycle parking provision and access for servicing.
  - v) Impact on environment including ecology, air quality, wind, contamination and sustainability.
  - vi) Landscape and visual impact taking into account design and layout of the scheme.
  - vii) Impact on residential amenity.
  - viii) Housing proposals including affordable housing provision.
  - ix) Open space and recreation provision.
  - x) Flood risk and drainage issues.
  - xi) Impact on archaeology and built heritage.
  - xii) Planning obligations.
12.
  - i) Principle  
The site lies within the development boundary of Rhyl and is a brown field site occupied by existing tourism, commercial, leisure and residential uses. Although the site lies within the coastal planning zone, its existing location and use point towards the principle of redevelopment being acceptable. Policy CPZ 1 states that development will only be permitted provided it is essential for development to have a coastal location and there is no unacceptable harm in relation environmental impact. Policy TSM 14 allows attractions, accommodation and infrastructure in the Foryd Harbour/Ocean Beach area provided that it brings about an overall improvement in the tourism appeal and attraction of the area and that assessment and mitigation ensures no unacceptable impacts on the area. The particular impacts of the development are dealt with in detail below. In general terms it cannot be said that it is essential for all elements of the development to have a coastal location and certain elements of the proposal do not fit within the uses referred to in Policy TSM 14. However, as a starting point these policies needs to be considered in the context of the use of a brown field

underused site in an area subject to deprivation but striving for private sector investment to go alongside public initiatives to regenerate the area. It is in this context that further discussion on the principle is considered below.

#### Principle of retail development

The main retail element of the scheme is the relocated Asda from Kinmel Bay. The store has food and convenience and comparison goods floor space elements equating to some 2700 sq.m of convenience floor space and 2,500 sq.m of comparison floor space leading to a total sales area of 5,200 sq.m (55,500 sq.ft). This equates to the existing Kinmel Bay Asda store which has the following: convenience floor space 2,230 sq.m, comparison floor space 929 sq.m, total sales area 3,159 sq.m (34,000 sq.ft). There is thus an increase of some 2,000 sq.m in retail floor space.

The site is out of centre and therefore the issues of need, the sequential test and compliance with policy need to be considered. In this respect the applicants have submitted a retail assessment and this in turn has been subject to a critique by Roger Tym and Partners on behalf of the Council. The conclusions of Roger Tym are that whilst there is no quantitative need for the floor space, the scheme meets the sequential test, should not be resisted on trade impact grounds, and is of an appropriate scale for Rhyl. In considering the need issue, the overall scheme would deliver qualitative benefits, including the comprehensive regeneration of a largely derelict site in an area of high multiple deprivation. Thus, on retail grounds, it is concluded that the application should be approved subject to the imposition of conditions limiting the amount of floor space, including convenience and comparison sales areas, and the extinguishment of the Kinmel Bay Asda.

#### Principle of residential development

Rhyl is a main centre as defined by Policy HSG 2 of the UDP. Whilst Policy TSM 14 does not indicate residential as being a preferred use of the site it seems unlikely, given the change in emphasis of Rhyl as a tourist destination, that the entire site would be developed for tourism and leisure uses. Residential developments have been forthcoming in West Rhyl generally and on West Parade particularly, increasing the confidence in the area for private sector housing investment. As part of a component of a larger mixed development, the principle of residential development is considered acceptable. The affordable housing issue is dealt with later in the report.

#### Principle of commercial development

The hotel and leisure buildings are considered to fall within the scope of Policy TSM 14 and therefore there are no concerns in relation to the principle of these developments. The ground floor commercial uses (A1, A2 and A3) would relate well to the overall development, fronting onto the promenade and potential marina development at the Foryd Harbour. Suitable restaurant, retail and other commercial uses would be seen as ancillary to the overall development and would be acceptable in the context of Policies RET 1, RET 16 and TSM 14.

The proposal for upper floor offices above commercial again does not fall within the uses referred to in Policy TSM 14. However, as part of the overall mixed development it is considered an acceptable component, particularly in the context of Policies EMP 4 and EMP 6 of the UDP. There is limited scope for new build offices within the built up area of Rhyl and the development provides an opportunity to locate offices and employment generating development on a brown field site within an area of high unemployment in a generally sustainable location.

#### Principle taking into account flood risk issue

Paragraph 6 of TAN 15 requires that development located in a flood risk Zone C1 needs to be justified in this location. In the context of the discussion within this report on the principle of the development, particularly taking into account regeneration initiatives, the proposal is adjudged to satisfy the requirements of paragraph 6 in that:

- a) it assists in a Local Authority regeneration initiative,
- b) it contributes to key employment objectives,
- c) it concurs with the definition of previously developed land.

The issue of potential consequences of a flooding event is dealt with later in this report.

#### Regeneration benefits of the scheme

In considering the principle of the development consideration needs to be given to the regeneration benefits of the scheme. In this respect the proposal would generate over 500 jobs in total in an area subject to relatively low levels of economic activity, qualifications and income. The proposals



are seen to fall within the aims of the Rhyl Going Forward Strategy which seeks "a town supporting a balanced, permanent, stable and self assured community within a prosperous and sustainable local economy". The Regeneration Statement submitted with the application indicates economic, and regeneration benefits which would change the economic and social environment in West Rhyl. The proposal is supported in general terms by DEIN at Welsh Assembly Government and the Head of Development Services.

ii) The capacity of highway network and impact on highway safety

The application has been accompanied by a Transport Assessment which concludes that the levels of traffic to be attracted to the development can be safely accommodated within the local highway network. This overall conclusion has not been disputed by the Council's Highway Officers. The realignment of West Parade through the development site will allow a safer environment for pedestrians and cyclists along the promenade. The highway proposals to serve the site, including new roundabouts in Wellington Road and within the site, are adjudged to be acceptable, subject to details. The proposal would be acceptable against TRA 6 of the UDP.

The impact of the development on particular parts of the highway network such as the Kinmel Bay junction, the Foryd Bridge, the H Bridge, and Vale Road have been considered by traffic consultants for the applicant and the Council's Highway Engineers and it is concluded that there will be no unacceptable impact on this wider network. In any event, it would be difficult to implement changes to this well established road network.

iii) Access by other means of transport

The site is well served by public transport in the form of a regular bus service and is reasonably close to the railway station and bus station in the town centre of Rhyl. The site lies adjacent to established cycleways along West Parade and Marine Lake. The pedestrianisation of the promenade would provide an improved pedestrian and cycle environment. The development provides the opportunity to ensure linkages between West Parade and Marine Lake through the development site. The development also sits comfortably in relation to the proposals to provide a pedestrian/cycle bridge across the Foryd. The site would be well served by public transport, and pedestrian and cycling groups and would thus meet the requirements of Policy TRA 8 and the wider sustainability agenda promoted by Planning Policy Wales. Conditions would be required to ensure detailed provision for cycle/pedestrian routes within the site, green travel plans, and appropriate provision for bus stops within the site.

iv) Car and cycle parking provision and servicing access

932 parking spaces would be provided on the overall site. This is below the maximum requirement which would be generated by the distinct uses derived from SPG 21 (maximum of 1400 spaces). The overall level of parking provision is considered acceptable given the following factors – the likelihood that peak periods for different uses would be unlikely to coincide e.g. the food store and leisure block, the accessibility of the site by public transport, pedestrians and cyclists, and the proximity of the site to existing and proposed residential areas. Taking into account these factors and the need to suppress car travel by limiting on site parking provision, the amount of parking spaces is considered to strike the correct balance between ensuring adequate provision and being well within the maximum requirements. The scheme also meets the requirement for 10% of spaces to be to mobility standards.

In addition to the car parking areas, 132 cycle spaces and 44 motor cycle spaces are also provided, complying with the requirements of SPG 21.

The servicing areas are sufficient for the different uses with separate areas for the food store, hotel and leisure building. The promenade residential, office and commercial uses would be served by the main road through the site, off parking areas. These proposals are considered acceptable.

v) Environmental Issues

Ecology

The site is covered predominantly by buildings and hard surfaced areas and therefore the ecological interests of the site itself is very limited. Consideration would need to be given to the presence of nesting birds on the site and bats within the building as highlighted in the Environmental Impact Assessment. Adjacent sites, the Marine Lake and the Clwyd Estuary are non-statutory sites of nature conservation interest. No significant impacts are demonstrated by the Environmental Impact Assessment although mitigation during construction and in relation to

drainage and surface water runoff are recommended. Consultees on ecological matters raised no objections to the development. It thus complies with Policies ENV 5 and ENV 6 of the UDP and advice within SPG 18.

#### Air Quality

The Environmental Impact Assessment indicates potential nuisance during construction and impacts on air quality with the completed development due to increase in traffic flow around the site. However, mitigation of construction impacts would be dealt with by good site practice and the implementation of a Construction Environmental Management Plan. The predicted impact on air quality would be well below the air quality strategy promoted by the Government and would be reduced by encouraging alternative and sustainable modes of transport.

#### Wind Environment

The Environmental Impact Assessment concludes that the proposed development is unlikely to have a long term adverse impact on the local wind environment, both in terms of pedestrian safety and comfort.

#### Contamination and Ground Conditions

The geotechnical appraisal and Environmental Impact Assessment indicate, based on historical land uses and data sources, potential for some contamination e.g. linked to the former petrol filling station and ship building activities. The mitigation of contamination sources would be necessary, as recommended by the Council's Contaminated Land Officer and would be safeguarded through conditions. Subject to mitigation, the development would be moderately beneficial in terms of ground conditions. The proposal is considered acceptable in the context of Policy ENP 8 of the UDP.

The applicants have indicated an intention to use sustainability principles to guide the development. This can be achieved through planning conditions and the S.106 obligation.

vi) Landscape and Visual Impact Taking into account Design and Layout of the Scheme

The scheme has a number of distinct elements separated to an extent by the changing levels on the site, the different characteristics of the surrounding areas, and the division of the site by the new highway running from West Parade to Wellington Road. The location of uses on the site has also been dictated by flood risk issues meaning that the higher sea frontage area was more suitable for the bulk of the residential development with the lower area more suitable for retail and associated car parking. The change in levels across the site has also provided a mechanism to create an urban landscaped park over part of the car parking for the retail store.

Two main approaches to the design of the promenade development were considered, namely a "wave" form of blocks and a "ocean liner" form of block. The proposals provide a striking large scale development to the promenade in predominantly six storey buildings with stepping down to the office development at three and four storeys. The gateway building of the hotel at the western end of the site would be of substantial scale at six storeys. The size of the site and the sea front location allow a development of this scale to be accommodated, reflecting the scale of other sea front properties to the east. Use of a modern approach to design and materials provide a suitable visual enhancement at the western gateway into Rhyl and provide confidence for the area generally.

The retail store and leisure buildings are again of modern design reflecting their function but introduce the use of local materials such as slate and Welsh sourced timber. The retail store would be of significant scale but would be separated from nearby smaller scale residential developments on Sydenham Avenue and beyond by a minimum distance of some 30 m with the opportunity to provide substantial landscaping along the Sydenham Avenue boundary.

The low cost housing would wrap around the south east corner of the site, providing a 4 storey feature as the site is approached along Wellington Road from the east. The modern design would also act as an architectural buffer to the food store.

There is scope within the development to provide distinct landscaped areas within the context of a landscaped strategy submitted as part of the application. Significant opportunities for soft landscaping would be available in the urban park along the perimeters of Sydenham Avenue and Wellington Road, around the hotel development, and along the access provided by the new highway. Hard landscaping would again be derived from the strategy and would be used to provide attractive public realm and defined pedestrian routes through the site. The creation of the

promenade area and a piazza by the offices would form a significant area of high quality hard landscaping.

The scheme was presented to the Design Commission for Wales (DCFW) in October 2006 and as a result of the panel recommendations a number of amendments were made to the scheme. The most notable changes have been the strengthening of the Sydenham Avenue housing, increase in height of the hotel, and resiting of the urban park. The panel "recognised and supported the ambition underlying this large and complex scheme."

The development overall is considered to provide a significant visual enhancement to the site which currently provides a predominantly unsightly appearance and image for this part of Rhyl. A proposal is considered to comply with design objectives in Planning Policy Wales, TAN 12, and the requirements of UDP policies GEN 6, CPZ 1, CPZ 2, and TSM 14. The acceptability of the overall approach to design is recognised by the DCFW.

vii) Impact on residential amenity

The development would have noise and disturbance impacts during construction and following completion. These impacts need to be considered in the context of the existing use of the site as a funfair, market and car boot sale site, and other commercial uses.

The impact of the development during construction would be mitigated by the relatively limited duration of any nuisance and the operation of good practice by contractors. The Control of Pollution Act is controlled by the authority during construction works but in addition to this it is recommended that a condition be imposed to require a methodology for construction.

For the completed development, the Environmental Impact Assessment considers 4 areas of potential noise, namely vehicle movements within this site, the vehicle movements not within the site but associated with the facilities, fixed plant within the site, and wind turbines. Uses such as the leisure building may generate activity late into the evening, depending on the use. The Environmental Impact Assessment suggests there is unlikely to be a significant change in the existing noise climate, subject to mitigation through setting of target noise levels, screening of the service yard to the retail store, and control on hours of delivery to the service area. Subject to these safeguards the proposal is considered acceptable in terms of its impact on residential amenity and would comply with advice within TAN 11 and UDP Policy GEN 6.

viii) Housing Proposals Including Affordable Housing

The report has already considered the principle of housing on the site, which as part of a mixed development is to be supported. The application proposes a total of 230 dwellings of which 34 units on the corner of Sydenham Avenue and Wellington Road are indicated for low cost housing. The amount of provision does not accord with the 30% requirement within SPG 22.

The SPG does consider cases where there will be no affordable housing provision (para 5.7) and as a corollary of that where a lesser provision would be acceptable. One of the key areas where a relaxation may be considered is where a proposal meets an identified, acknowledged and overriding regeneration aim in accordance with the Councils regeneration strategy and where full private housing is required to meet regeneration aims. In terms of West Rhyl and the site itself the following factors need to be considered:

1. The need for private sector investment in West Rhyl with the provision of market housing to provide a more balanced community and higher economic base.
2. Significant levels of provision of affordable housing in the West Rhyl area already exists in the form of public and private rented sector.
3. The need for a high quality development on the site to meet regeneration aims set out in documents such as Rhyl Going Forward and the West Rhyl Regeneration Strategy.
4. The viability of the scheme and the need to consider creative ways of meeting obligations arising from the affordable housing policy e.g. removal of substandard housing within West Rhyl.

Taking into account the above factors it is considered that the principle of an approach where a smaller percentage of affordable housing is provided on the site is acceptable, subject to planning obligations reflecting other priorities in West Rhyl.

ix) (Open Space and Recreation Provision)

The site does not currently provide any public open space. The proposals will provide two main elements of open space namely the new promenade and the urban park. These areas amount to

around 1 hectare.

Policy REC 2 of the UDP requires recreational open space with new residential development. 230 dwellings would generate a requirement for 2.2 hectares of open space although this is based on an average occupancy of 3 people per dwelling. Given that the development is for one and two bed flats applying an occupancy of two people per dwelling the requirement would be for 1.4 hectares of open space.

The principle of providing high quality open space in the form of the hard landscaped promenade and the urban park is considered acceptable with obligations to be framed to require a contribution to recreation and open space provision in West Rhyl generally.

x) Flood Risk and Drainage

The tests required by TAN 15 have been considered earlier in this report. Given that the principle of development within a Zone C1 flood risk area it is considered acceptable there is also a need to consider the detailed mitigation as proposed by the Flood Consequence Assessment (FCA) to ensure that the potential consequences of a flooding event have been considered in accordance with sections 5 and 7 of TAN 15.

The FCA submitted with the application indicates the need to mitigate against wave over topping of the sea defences and the raising of the eastern embankment to the River Clwyd between the Foryd Bridge and the railway to reduce overtopping from the River Clwyd to less than a 1 in 1000 year event probability. The specific details of the flood risk mitigation measures can be covered by a planning condition. The proposals would thus satisfy the requirements of TAN 15 and Policy ENP 6, subject to this mitigation. In addition, the flood risk mitigation works would provide improved flood protection for this part of Rhyl generally.

In terms of drainage the public sewerage system is considered capable of taking foul drainage from the development subject to the requirements of Welsh Water in relation to localised works to the combined system in Wellington Road.

With regard to surface water, certain parts of the site will provide landscaping which will be permeable. However, the majority of the site will be hard surfaced or developed with buildings. There is an intention to discharge surface water to the River Clwyd but subject to on site attenuation to regulate flows. The principle of these proposals is considered acceptable, subject to details being covered by a condition and thus the proposals comply with Policy ENP 4 of the UDP and advice on drainage within TAN 15.

xi) Archaeology and built heritage

The site is not subject to any heritage designations (conservation area, ancient monument, listed building) although the Foryd Bridge to the west of the site is a Grade II listed building. The Ocean Beach fun fair has historic and nostalgic interest as a reflection of Rhyl's tourism function and it is recommended that a photographic survey be conducted of the fun fair prior to its demolition.

In terms of archaeology, whilst the potential for significant archaeological remains within the site area is low, archeologically consultees recommend a watching brief within the site and this would be covered by a condition. The proposal would not conflict with any heritage advice or policies.

xii) Obligations

A development of this scale, including housing, would normally provide planning obligations, particularly arising out of affordable housing and open space policies. In addition there are specific requirements arising out of the development that would need to be covered by a planning obligation.

In relation to planning gain generally, whilst specific requirements arise out of affordable housing and public open space policies, priorities within West Rhyl differ from other parts of the County and obligations arising out of the development would be best dealt with by commuted sums paid into a "regeneration pot". The extent of payments would be dependent on a robust development appraisal of the proposals which is currently being undertaken. Members will be updated on these discussions at the Planning Committee and Full Council.

Other obligations which would be required as part of the development are as follows:

1. "Revocation" of the existing Asda store at Kinmel Bay and replacement with suitable local

centre, employment and open space uses.

2. Management and maintenance of public open space on the site, particularly the new promenade and the urban park.
3. Provision of CCTV on the site to link to the Rhyl Town Centre system.
4. Recruitment strategy for businesses on the site to target long term unemployed in the area.
5. Sustainable approach to buildings and site infrastructure. These monies would be used on projects seeking to implement the objectives of the West Rhyl Regeneration Strategy e.g. demolition of properties and creation of public open space.

It is considered that this overall approach would satisfy the requirements of Policy GEN 8 of the UDP and the more specific Policies REC 2 (open space) and HSG 10 (affordable housing).

#### **SUMMARY AND CONCLUSIONS:**

13. The proposal represents a major mixed development scheme for West Rhyl and is considered acceptable in principle taking into account planning policies and guidance and the overall regeneration benefits of the scheme. Retail policy and flood risk issues have been considered as have a range of impacts including highways. The application has been accompanied by a range of supporting information, including an Environmental Impact Assessment, and the impacts are adjudged to be acceptable and have raised no objections from statutory consultees.
14. The recommendation is to grant planning permission but subject to the applicants first entering into a **Section 106 obligation** to cover the issues set out at paragraph 12 (xii) above.
15. The recommendation is also subject to referral to **Full Council** as the application represents a significant departure from the development plan.
16. It is also subject to a **referral of the application to the National Assembly for Wales** as a departure application partly on Council owned land and with retail floor space exceeding 10,000 sq.m (Welsh Office Circulars 39/92 and 61/93).

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

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. The development shall be carried out in accordance with the a phasing plan to be submitted and approved in writing with the Local Planning Authority.
3. No development works of any kind shall begin until the presence of a contracted archaeologist has been secured on-site according to the prescriptions set out in a curatorial design brief and approved in writing by the Local Planning Authority. Access, at any reasonable time, shall be given to this archaeologist to enable the observations and recording of any archaeological remains uncovered during the early stages of development. A report of any archaeological records made must be deposited with the County Sites and Monuments Record, Clwyd-Powys Archaeological Trust, 7a Church Street, Welshpool, Powys, SY21 7DL (01938-553670) within one month of the completion of this work with a summary of records sent to the Local Planning Authority at the same time.
4. Development shall not begin until an appropriate photographic survey of the existing fun fair on the site has been carried out in accordance with details to be submitted to, and approved in writing by the Local Planning Authority. The resulting photographs should be deposited with the County Sites and Monuments Record, operated by THE CLWYD-POWYS ARCHAEOLOGICAL TRUST (7a Church Street, Welshpool, Powys, SY21 7DL. Tel. 01938 553670).
5. Before the development hereby permitted is commenced a scheme indicating the provision to be made for disabled people to gain access to the building shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented before the development hereby permitted is first brought into use
6. No work shall be permitted to commence until there has been a phased investigation carried out over the entire site to ascertain whether the development is contaminated land, and whether the development may impact on controlled surface waters or groundwater, such investigation should consist of a desk study and if deemed necessary within said study a comprehensive site investigation should be carried out in accordance with CLR11 ("Model Procedures for the Management of Land Contamination") and BS:10175:2001 ("The Investigation of Potentially Contaminated Sites") and to include water monitoring data; and the contents of each survey and its conclusion have been submitted to the Local Planning Authority for assessment in liaison with the Environment

Agency Wales.

7. In the event that the site survey required by condition no 6 of this permission reveals the presence of hazard from any contamination, no development shall be permitted to commence until there has been submitted to the Local Planning Authority a detailed site specific risk assessment to identify risks to water resources, surrounding land and property, wildlife, building materials, future users of the site, and any other person; and written approval of the Local Planning Authority has been obtained to detailed proposals for addressing the risks, specific measures for decontaminating the site and dealing with any unsuspected contamination which becomes evident during the development of the site. The development should not be occupied/used until a Validation report prepared by an independent and suitably experienced third party to show that the works have been satisfactorily carried out and has been submitted to and approved in writing by the Local Planning Authority.

8. No buildings shall be occupied until mitigation measures referred to in the Flood Consequences Assessment dated March 2007 have been completed in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

9. No development shall take place until a scheme of foul drainage and surface water drainage has been submitted to, and approved by, the Local Planning Authority and the approved scheme shall be completed before the building(s) is(are) first occupied.

10. Prior to being discharged into any watercourse, surface water or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

11. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is more than one tank, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata.

12. No development shall take place until there has been submitted to, and approved in writing by, the Local Planning Authority, a detailed scheme of hard and soft landscaping for the site, and such scheme shall include details of:

- (a) all existing trees, hedgerows and other vegetation on the land, details of any 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 the planting;
- (c) proposed materials to be used on the driveway(s), paths and other hard surfaced areas;
- (d) proposed earthworks, grading and mounding of land and changes in levels, final contours and the relationship of proposed mounding to existing vegetation and surrounding landform;
- (e) Proposed positions, design, materials and type of boundary treatment.

13. All planting, seeding, turfing, fencing, walling or other treatment comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the commencement of the phase of the development to which it relates and any trees or plants which, within a period of five years of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

14. 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, shall be submitted for the consideration of the Local Planning Authority prior to the occupation of any dwellings and the landscape management plan shall be carried out as approved in accordance with such time scale to be agreed in writing by the Local Planning Authority.

15. No external wall or roof materials shall be applied until the written approval of the Local Planning Authority has been obtained to the proposed materials to be used for the external surfaces of the [walls [and roof(s)]] of the development hereby permitted and no materials other than those approved shall be used.

16. Prior to the commencement of the erection of any external brickwork, a sample panel of the type of brickwork, mortar, and pointing it is proposed to use on the external surfaces of the walls shall be constructed on the site, and the development shall only proceed in accordance with such sample as may be approved in writing by the Local Planning Authority : and the brickwork, mortar and pointing to be used on the building(s) shall be strictly of the same type, texture and colour as the approved sample panel.

17. Prior to the commencement of the [erection / application] of any [external stonework / render] a sample panel of the type of [stonework, mortar, and pointing/render] it is proposed to use on the external surfaces of the walls shall be constructed on the site, and the development shall only proceed in accordance with such sample as may be approved in writing by the Local Planning Authority : and the [stonework, mortar and pointing/render] to be used on the building(s) shall be strictly of the same type, texture and colour as the approved sample panel.

18. No works to any building on the site, including demolition, shall be carried out until such time as the affected buildings have been surveyed for the presence of bats and birds. The results of any such necessary surveys together with reasonable avoidance measures to deal with any presence of bats and birds shall be

submitted to and approved in writing by the Local Planning Authority prior to the commencement of such works.

19. A method statement to minimise noise, dust, and vibration disturbance during demolition and construction shall be submitted to and approved in writing prior to the commencement of any works on the site, including demolition, and the approved method statement shall be complied with at all times during demolition and construction works.

20. Noise limits recommended in Chapter 14 of the Environmental Impact Assessment shall not be exceeded.

21. Details of delivery times, and a noise assessment of refrigeration units, air conditioning works and extractor fans for the retail food store shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of trading at the retail food store.

22. Cycle parking shall be provided prior to the occupation of any of the development hereby permitted in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

23. Prior to the occupation of each phase of the development, parking, (including mobility standard and motor cycle parking) servicing areas and access shall thereto be provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

24. The phasing plan, required by condition 2, shall include the phasing of highway works.

25. Details of the proposed highway works and programme for implementation shall be submitted to and approved in writing prior to the commencement of the development, details to include:

- (i) the new highway through the site linking West Parade with Wellington Road (known as "the link road")
- (ii) new roundabouts, within the site and on Wellington Road,
- (iii) the closing off of Sydenham Avenue,
- (iv) bus stop provision,
- (v) pedestrian/cycle crossing points on Wellington Road and "the link road".
- (vi) a new access to the Marine Lake car park.

26. The development shall include pedestrian/cycle routes linking the following:

- (i) The Marina Court on West Parade with the western end of Marine Lake,
- (ii) Sydenham Avenue with West Parade at the north east corner of the site,
- (iii) West Parade at the north east corner of the site with the eastern end of Marine Lake (via the frontage to the food store).

27. No building hereby permitted shall be occupied until the written approval of the Local Planning Authority has been obtained for the Green Travel Plan for the occupiers, their employees, and any customers of that building to encourage use of means of transport other than the private car. The Travel Plan shall include means of implementation and monitoring of the plan.

28. The foodstore hereby permitted shall not exceed the following floorspace:

- i) Gross retail floorspace not to exceed 9384 sq.m (100,000 sq.ft)
- ii) Nett retail sales are not to exceed 5156 sq.m (55,500 sq.ft)
- iii) Nett retail food and convenience sales area not to exceed 2694 sq.m (29,000 sq.ft)
- iv) Nett retail comparison sales are not to exceed 2,462 sq.m (26500 sq.ft)

29. Details of the mix of A1/A2 and A3 uses to occupy the ground floor units fronting the Promenade shall be submitted to and approved in writing the Local Planning Authority.

30. Prior to the commencement of any demolition works on site, the following details shall be submitted for the further approval of the Local Planning Authority:

- i) an audit of all existing building materials,
  - ii) the potential re-use and recycling of those materials for incorporating into the approved site development, and
  - iii) where relevant, the recipient of remaining building materials,
- The approved audit shall form part of the building contract agreed for new building development for the sit, a copy of which shall be submitted for record purposes for the Local Planning Authority.

31. Details of a waste/recycling and energy plan shall be submitted for the further approval of the Local Planning Authority prior to the commencement of the development. The approved plan shall be fully implemented prior to the occupation of any parts of the development to which they relate and retained thereafter.

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

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. To ensure an appropriate phasing of the development.
3. In the interests of archaeological investigation and recording.

4. In the interests of investigation and recording of historic/listed buildings.
5. To ensure suitable access for the disabled to the building.
6. To ensure that the extent of the contamination is established and that adequate steps are to be taken to deal with the contamination.
7. To ensure that the extent of the contamination is established and that adequate steps are to be taken to deal with the contamination.
8. In the interests of flood risk mitigation.
9. To ensure satisfactory drainage of the site and to avoid flooding.
10. To prevent pollution of the water environment.
11. To prevent pollution of the water environment.
12. To ensure in the interests of visual amenity a satisfactory standard of landscaping in conjunction with the development.
13. To ensure a satisfactory standard of development, in the interests of visual amenity.
14. To ensure a satisfactory standard of development, in the interests of visual amenity.
15. In the interests of visual amenity.
16. In the interests of visual amenity.
17. In the interests of visual amenity.
18. In the interests of any protected species on the site.
19. In the interests of residential amenity.
20. In the interests of residential amenity.
21. In the interests of residential amenity.
22. To ensure suitable parking provision.
23. To ensure suitable parking provision.
24. In the interests of highway safety.
25. In the interests of highway safety.
26. In the interests of highway safety.
27. To protect the use of a range of travel modes.
28. To control the amount of retail floorspace to protect town centres.
29. To control the amount of retail floorspace to protect town centres.
30. To ensure that the development involves a sustainable approach.
31. To ensure that the development involves a sustainable approach.

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

Further advice on compliance with planning conditions 6 & 7 may be obtained by contacting Denbighshire County Council's Public Protection Department on 01824 706137. Should it be identified within the investigation that contamination may affect other receptors other than site users then it is recommended that these issues are addressed in consultation with the Public Protection Department prior to the commencement of works so as to avoid enforcement under Part 11A of the Environmental Protection Act 1990.

Dwr Cymru Welsh Water's, Network Development Consultants, advise that a water main crosses the site. Please contact Dwr Cymru Welsh Water for more information before you proceed with the development. Dwr Cymru Welsh Water can be contacted on 01443 331155 or e-mail [www.dwrcymru.com](http://www.dwrcymru.com)