In pursuance of its powers under the Acts an Orders referred to below, the County Borough Council as Local Planning Authority, hereby determines your application in accordance with the particulars and plans comprising the application

wrexham
COUNTY BOROUGH COUNCIL
CYNGOR BWRDEISTREF SIROL
wrecsam

Applicant	MR PETER WALSH LVW GROUP LTD	**Code Number**	GWE P/2023/0400
Agent	AZZURRI ARCHITECTS MR DAVID PATCHETT FLAT 2 ROCK PARK BIRKENHEAD WIRRAL CH42 1PJ	**Date Received**	19/06/2023
		Decision Date	05/02/2024

Town and Country Planning Act, 1990

Location of application

LAND ADJACENT TO LVW WAREHOUSE, RHOSDDU INDUSTRIAL ESTATE, OLD RHOSROBIN, WREXHAM, LL11 4YL

Description of application

ADEILADU 3 UNED DDIWYDIANNOL GAN GYNNWYS PARCIO AR Y SAFLE A CHAEL GWARED A THANC TANDDAEAROL NA DDEFNYDDIR / ERECTION OF 3 NO LIGHT INDUSTRIAL UNITS INCLUDING SITE PARKING AND REMOVAL OF DISUSED UNDERGROUND TANK

In reaching this decision the Council has had regard to the relevant policies in the Wrexham Local Development Plan which are as follows:-

DM1	Development Management Considerations
NE1	International and National Nature Conservation Designations
NE6	Waste Water Treatment and River Water Quality
SP12	Design Principles & Masterplanning Framework
SP15	Historic and Cultural Environment
SP2	Location of New Development
T1	Managing Transport Impacts

Revision	Date	Description of Decision
0	05/02/2024	Planning permission issued

Particulars of decision that permission be GRANTED Subject to the following:-

Condition(s)

1. The development hereby permitted shall be commenced before the expiry of five years from the date of this permission.

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2. The development shall only be carried out in strict accordance with the details shown on the approved drawing(s) numbered 2219/DD/001A, 2219/DD/002A, 2219/DD/003A and as contained within the application documentation.

3. The development shall be carried out in strict accordance with the findings and recommendations contained within the Ecology Assessment as carried out by Arbtech Consulting Limited and dated December 2023 approved as part of this application. The mitigation and compensation measures hereby approved shall be fully implemented prior to first use of the development and shall thereafter be retained.

4. No development shall take place until a Great Crested Newt Reasonable Avoidance Measures scheme has been submitted to and approved in writing by the Local Planning Authority. The Reasonable Avoidance Measures shall include:

   • Build upon the principles of the Preliminary Ecological Appraisal (Sibley, J., December 2023, Preliminary Ecological Assessment, Rhosddu Industrial Estate, Arbtech Consulting Limited)
   • Details and associated plans concerning Great Crested Newt reasonable avoidance and mitigation measures
   • Measures to be taken to prevent or reduce incidental capture or killing of Great Crested Newts. The measures above shall be carried out in accordance with the approved details.

5. No part of the development shall commence until a scheme for the comprehensive and integrated drainage of the site indicating how foul water, surface water and land drainage will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be implemented in accordance with a timescale to be agreed as part of the submitted details and retained thereafter.

6. The rating level of any noise generated by reason of this development shall not exceed the pre-existing background level at any time. The noise levels shall be determined at nearby noise sensitive premises, and measurements and assessment shall be made in accordance with

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BS4142:2014 Methods for Rating and Assessing Industrial and Commercial Sound.

7. No development shall take place until a phased site investigation of the nature and extent of contamination has been carried out and submitted to and approved in writing by the Local Planning Authority. If any contamination is found during the site investigation, no part of the development shall commence until a scheme specifying the measures that will be taken to remediate the site to render it suitable for the development hereby permitted has been submitted to and approved in writing by the Local Planning Authority. The site shall thereafter be remediated in accordance with the approved scheme. If during the course of development any contamination is found that has not been identified in the site investigation, no further development shall take place on those parts of the site where that contamination has been found until an additional scheme of remediation has been submitted to and approved in writing by the Local Planning Authority for those parts of the site. The relevant parts of the site shall thereafter be remediated in accordance with the additional scheme of remediation.

8. Each part of the site subject to the remediation under the scheme(s) approved as part of condition 07 shall not be occupied/used until a Validation Report has been completed in respect of that part of the site and submitted to and approved in writing by the Local Planning Authority.

9. Prior to the occupation or operation of the development or phase of development, a long-term monitoring plan for water quality and land contamination shall be submitted and approved in writing by the Local Planning Authority. The long-term monitoring plan should include:
• Details of the methods and triggers for action to be undertaken
• Timescales for the long-term monitoring and curtailment mechanisms e.g. a scheme of monitoring for 3 years unless the monitoring reports indicate that subsequent monitoring is or is not required (for 3 years)
• Timescales for submission of monitoring reports to the LPA e.g. annually
• Details of any necessary contingency and remedial actions and timescales for actions

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• Details confirming that the contingency and remedial actions have been carried out
The monitoring plan shall be carried out in accordance with the approved details, within the agreed timescales.

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

11. No development, including site clearance, shall commence until a Biosecurity Risk Assessment, and Method Statement that considers invasive non-native species and specific diseases (e.g. Chytrid) has been submitted to and approved in writing by the Local Planning Authority.
The risk assessment must include:
(i) appropriate measures to control any INNS on site;
(ii) measures or actions that aim to prevent INNS from being introduced to the site for the duration of construction and operational phases of the scheme.
The risk assessment shall consider landscaping and other related plans.
The Biosecurity Risk Assessment shall be carried out in accordance with the approved details.

12. No part of the development shall commence until a Construction Traffic Management Plan including provisions for contractor parking has been submitted to and approved in writing by the Local Planning Authority. The plan as approved shall be implemented for the duration of the construction of the development.

Reason(s)

1. To comply with Section 91(3) of the Town and Country Planning Act, 1990.

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2. To comply with section 71ZA (2) of the Town and Country Planning Act 1990.

3. To protect named species / habitats / biodiversity which would otherwise be damaged / lost by the development hereby permitted in accordance with policies DM1 and NE1 of the Local Development Plan.

4. To ensure that an approved Great Crested Newt Reasonable Avoidance Measures scheme is implemented, which protects the species affected by the development, in accordance with Policy NE1 of the Local Development Plan.

5. To ensure that effective drainage facilities are provided for the proposed development, and that no adverse impact occurs to the environment or the existing public sewerage system in accordance with Policy DM1 of the Local Development Plan.

6. To protect the amenities of the occupiers of nearby properties in accordance with Policy DM1 of the Local Development Plan.

7. In the interests of the amenities of the future occupants of the buildings in accordance with Policy DM1 of the Local Development Plan.

8. In the interests of the amenities of the future occupants of the buildings in accordance with Policy DM1 of the Local Development Plan.

9. To ensure necessary monitoring measures are approved to manage any potential adverse impacts as a result of development on water quality and flood risk in accordance with Policy DM1 and SP18 of the Local Development Plan.

10. To prevent both new and existing development from contributing to or being put at unacceptable risk from or being adversely affected by unacceptable levels of water pollution in accordance with Policies DM1 and NE6 of the Local Development Plan.

11. To ensure that an approved Biosecurity Risk Assessment is implemented to secure measures to prevent or control the spread and effective management of any invasive non-native species and listed

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diseases at the site in accordance with Policy DM1 of the Local Development Plan

12. In the interests of highway safety in accordance with Policy DM1 of the Wrexham Local Development Plan.

Note(s) to applicant

All works in relation to the implementation of this permission, including deliveries to and /or leaving the site, should be undertaken only between the hours of 07.30 to 18.00 Monday to Friday, 08.00 to 14.00 on a Saturday, and at no time on a Sunday or a Bank Holiday. Outside these times, any works which are audible beyond the site boundary have the potential to cause unreasonable disturbance to neighbouring premises.

The applicant is advised that the Council has the option to control construction noise by serving a Control of Pollution Act 1974, Section 60 Notice where deemed necessary, and failure to comply with such a Notice can result in prosecution.

The applicant is further advised that any complaints received relating to noise of any type from the development may also be investigated using the Council's Standardised Procedure for Dealing with Noise Nuisance Complaints. This is done under the Statutory Nuisance provisions provided within the Environmental Protection Act 1990, and legal action may be taken where appropriate.

The applicant must adhere to the times given above wherever possible. If, however, there are urgent or unavoidable circumstances requiring work outside of the specified times, permission to proceed may be sought by contacting Environmental Health & Housing Standards at healthandhousing@wrexham.gov.uk or 01978 292040. Please use the same contact details for any other enquiries regarding construction / demolition site noise.

The Applicant is advised that under the dust from construction and / or demolition activities can be judged to be causing a statutory nuisance to

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neighbouring properties. A legal notice can be served requiring that any dust nuisance is abated, and failure to comply with the requirements of the notice can result in prosecution. The applicant should contact the Council's Environmental Health & Housing Standards Team on healthandhousing@wrexham.gov.uk or 01978 292040 for further advice and information.

Burning of waste generated from construction activities is not considered to be an appropriate method of disposal and action may be taken as follows:
- Under the Environmental Protection Act 1990 anyone found disposing of construction site waste by burning is likely to be in breach of their duty of care with regard to waste disposal;
- Under the same Act an abatement notice may be served where smoke is judged to be causing a nuisance to neighbouring properties. Failure to comply with the requirements of the notice can result in prosecution;
- Under the Clean Air Act 1993 it is an offence for a commercial activity to burn anything that gives rise to dark smoke.

To prevent offences under the above named Acts there should be no bonfires on the site, to include the prohibition of the burning of cleared vegetation. The applicant should contact the Council's Environmental Health & Housing Standards Team on healthandhousing@wrexham.gov.uk or 01978 292040 for further advice and information.

Lighting has the potential for classification as a statutory nuisance under the Environment Protection Act 1990. If lighting is found to be causing a nuisance than an Abatement Notice may be served, and the applicant is advised to consider this when designing the installation of any lighting.
Further advice on compliance with condition nos. 7 - 9 may be obtained by contacting the Council's Contaminated Land Officer on 01978 298771 or 298333, or contaminatedland@wrexham.gov.uk

Should the investigation identify contamination issues that may affect receptors other than the site users e.g. groundwater, then it is recommended that these works are also addressed in consultation with the Council's Contaminated Land Officer prior to commencement of works on site.
Highways Development Control Standard Advisory Note

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In the interests of maintaining highway safety, and to avoid obstruction of the public highway (in
contravention of the Highways Act), The Applicant is advised to coordinate with the highway
authority at highwayroadworks@wrexham.gov.uk in advance of commencement of the
development/works with respect to:
1. Skip, scaffolding, hoarding or A frame/signage (Permit required for these items, if on the
public highway);
2. Use of a parking space for a set down/delivery area;
3. Record a dilapidation survey of the adjacent carriageway prior to commencement (to avoid
being ask to repair damage by the Applicant whilst carrying out their works);
4. If any lane closure or obstruction of the highway is required for a crane or similar;
5. Protection against dust and debris blowing onto the public highway
6. Construction traffic parking locally avoiding nuisance to others;
7. If the Applicant's scope of work includes new apparatus in the highway, such as new mains services then a Section 50 licence will be required. Insurances and demonstration of competency to carry out works in the public highway will be required

David Fitzsimon
Prif Swyddog Yr Economi a Chynllunio
Chief Officer Economy and Planning

Refer to Statement of Applicant's Rights and General Information on our planning web site at:-

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http://www.wrexham.gov.uk/english/planning_portal/publications/info_sheets.htm