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 Daniel Andrews

Reference P/2024/1138

Agent Mr Daniel Andrews
Unit1 Rhosddu
Industrial Estate, Old
Rhosrobin, Wrexham,
LL11 4YL

Date Received 21/06/2024

Decision Date 29/08/2024

Town and Country Planning Act, 1990

Location of Application

CAR PARK AT BRITISH LEGION, WATTS DYKE, LLAY, WREXHAM, LL12 0RL

Description of Application

ADEILADU CAMPFA FOCSIO
CONSTRUCTION OF BOXING GYM

In reaching this decision the Council has had regard to the following relevant policies: -

National Policies and Technical Advice Notes (TAN):

TAN 16 : Sport, Recreation and Open Space
TAN 12 : Design
TAN 11 : Noise

Wrexham Local Development 2013 – 2028:

CF1 - Protection of Existing Open Space, Sport and Recreation Facilities
DM1 - Development Management Considerations
NE1 - International and National Nature Conservation Designations
NE6 - Waste Water Treatment and River Water Quality
SP12 - Design Principles & Masterplanning Framework
SP19 - Green Infrastructure
SP2 - Location of Development
T1 - Managing Transport Impacts

Revision	Date	Description of Decision
0	29/08/2024	Planning permission issued

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Particulars of decision : 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.

2. The development shall only be carried out in strict accordance with the details shown on the following plan(s) and document(s):

   LLBC-SAL-01-ZZ-DR-A-003 Rev P2 - Proposed drawings
   WDL-SAL-00-ZZ-DR-A-0650 Rev P1 - Green Infrastructure Plan
   Received on the 21.06.2024

3. The external surfaces of the building(s) shall be constructed of the materials specified on:
   LLBC-SAL-01-ZZ-DR-A-003 Rev P2 - Proposed Drawings
   Materials section of the submitted application form

4. The development hereby permitted shall not be occupied until measures to deliver net benefit for biodiversity (NBB) show on 'WDL-SAL-00-ZZ-DR-A-0650 Rev P1 - Green Infrastructure Plan' have been implemented in full. The measures shall thereafter maintained for the lifetime of the development.

5. Customers are not permitted on the premises outside of the hours of 17:00 - 21:00 Monday to Friday and 09:00 - 15:00 on a Sunday or Bank Holiday.

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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 BS4142:2014 Methods for Rating and Assessing Industrial and Commercial Sound (or any Guidance revoking or re-enacting that Guidance with or without modification).

7. Prior to first use of the development, on site cycle parking facilities shall be provided in strict accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority. The facilities shall thereafter be permanently retained and kept free of any obstruction, and made available solely for the parking of cycles.

8. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

Reason(s)

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

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

3 To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DM1, SP12 and SP14 of the Wrexham Local Development Plan.

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4 To ensure the development delivers net benefit to biodiversity in accordance with paragraph 6.4.5 of Planning Policy Wales 12.

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

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

7 To assist occupiers/users of the development to make sustainable transport choices in accordance with Policy DM1 of the Wrexham Local Development Plan.

8 To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

Note(s) to applicant

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

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- 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.

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.

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Welsh Water

The proposed development may be subject to Schedule 3 of the Flood and Water Management Act 2010. The development therefore may require approval of Sustainable Drainage Systems (SuDS) feature, in accordance with national standards, and is strongly recommended that the developer engage in pre application consultation with the Local Authority, as the relevant SuDS Approval Body (SAB), in relation to their proposals for SuDS feature. Please note Dwr Cymru Welsh Water is a statutory consultee to the SAB application process and will provide comments to and SuDS proposal by response to SAB consultation.

The applicant is advised that some public sewers and lateral drains may not be recorded on our maps; some sewers were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water. Under the Water industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

The applicant may also need to apply to Dwr Cymru/Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is not a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Development Services pages of www.dwrcymru.com

In accordance with Planning Policy Wales (Edition 12) and Technical Advice Note 12 (Design), the applicant is advised to take a sustainable approach in considering water supply in new development proposal, including utilising approaches that improve water efficiency and reduce water consumption. Dwr Cymru/Welsh Water would recommend that the applicant liaises with the relevant Local Authority building Control department to discuss their water efficiency requirements.

Highways

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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.
8. Lowering of kerbs or minor pavement alterations require Section 184 agreement. Insurances and demonstration of competency to carry out works in the public highway will be required.
9. A section 278 agreement works agreement is required for more significant alterations to the existing highway;
10. Any temporary works affecting traffic lights, [pedestrian/cycle road crossings, or bus stops require pre-planning and permits;
11. For applications with a private driveway (either existing or proposed) connecting onto the public highway, the following conditions of approval apply:

· No surface water from the applicants site should be allowed to drain onto the public highway,

- The first 5m* minimum (for residential property) should be hard paved, avoiding gravel or loose chippings form spreading.
- No gate should be built in a location where it would result in a car obstructing the highway whilst being unlocked, and it should not swing out and over a pavement or any other part of the highway.

*The hard paved length and set back if required is subject to the applicants proposed vehicular length.

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The applicants should allow a minimum of 4 weeks' notice for any of the above standard requirements, and 6-8 weeks for lane closures & road closures (lead times may change without notice subject to workload and complexity). Any works involving Trunk roads should be coordinated separately and directly with the North & Mid Wales trunk Road Agency. For larger sites with a significant impact upon the highway, a Construction Traffic Management Plan will be required.



David Fitzsimon
Prif Swyddog Yr Economi a Chynllunio, Cyngor Bwrdeistref Sirol Wrecsam
Chief Officer Economy and Planning, Wrexham County Borough Council

Refer to Statement of Applicant's Rights and General Information on our planning web site at:-
Planning and building control | Wrexham County Borough Council