In pursuance of its powers under the Acts and 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

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Expiry Date: 23/01/2011
Decision Notice Sent: 28/02/2011
Grid Reference:
E 332533.73
N 350111.55

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Applicant OPTIMISATION DEVELOPMENT LTD

Agent RACE COTTAM ASSOCIATES LTD
DR DAVID COTTAM
3 VINCENT HOUSE
SOLLY STREET
SHEFFIELD
SOUTH YORKSHIRE
S1 4BB

Code No WRO P/2010/0981

Date Received 24/11/2010

Decision Date 28/02/2011

Town and Country Planning Act, 1990

Location of application

RUTHIN ROAD, WREXHAM, LL13 7TY

Description of application

ERECTION OF NEW SUPERSTORE, SERVICE YARD, CAR PARKING, ACCESS ROAD, PETROL FILLING STATION WITH ASSOCIATED LANDSCAPING, EXTERNAL LIGHTING AND TROLLEY STORAGE SHELTERS.

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

EC11	Archaeology
EC4	Hedgerows, Trees and Woodland
EC5	Special Landscape Areas
EC6	Biodiversity Conservation
GDP1	Development objectives
PS1	Settlement limits
PS2	Development and the environment
PS3	Brownfield Land
PS4	Settlement Pattern
S4	Large-scale retail development
S8	Shopping development within defined employment areas
T8	Parking
T9	Walking, cycling and horse riding routes

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

Condition(s)

1. The development hereby permitted shall be begun before the expiry of five years from the date of this permission.
2. No part of the development shall be commenced until samples of all external facing and roofing materials have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in strict accordance with such details as are approved.
3. The development hereby permitted shall be constructed to achieve a minimum Building Research Establishment BREEAM overall 'Very Good' and achieve the mandatory credits for 'Excellent' under issue Ene1 - Reduction of CO2 Emissions.
4. No development shall begin until details of a 'Design Stage' assessment and related certification have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out entirely in accordance with the approved assessment and certification unless the Local Planning Authority shall otherwise consent in writing.
5. No part of the development hereby approved shall be occupied until a 'Post Construction Stage' assessment has been carried out in relation to it, a Final Code Certificate has been issued for it certifying that 'Very Good' and the mandatory credits for 'Excellent' under issue Ene1 - Reduction of CO2 Emissions have been achieved. The Certificate shall be submitted to and approved in writing by the Local Planning Authority.
6. The existing access from the A525 (Ruthin Road) to the Ambulance Station shall be kept open and available for use until the new access from the A525 (Ruthin Road) shown on the approved plan (Drawing No 209-156C (PL)02 rev F) has been fully completed and capable of use by vehicles.
7. The total net retail sales area shall not exceed 3,404 square metres and no more than 25% (851 square metres) of the net sales area shall be used for the sale of comparison goods.
8. Notwithstanding the Town and Country Planning (GDP) Order 1995, no mezzanine floor shall be constructed within the store.
9. Construction and ancillary works which includes the use of plant or machinery audible at or beyond the site boundary shall only be carried out between the hours of 0730 and 1800 (Monday to Friday) and 0800 to 1400 (Saturday) and at no time on Sundays or Bank Holidays.
10. Unless with the prior approval in writing of the Local Planning Authority the hours of opening at the site shall be restricted to:

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Store 0700 - 2300 hours (Monday to Saturday and Bank Holidays) and 1000 - 1600 hours (Sunday)
pfs 0700 - 2300 hours (Monday to Saturday and Bank Holidays) and 0800 - 2300 hours (Sunday).

11. Prior to the operation of the development a noise impact assessment shall be carried out by a suitably qualified acoustic specialist assessing noise impact resulting from HGV deliveries and servicing upon properties on Ruthin Road and Llys David Lord, and The Maelor HospitaL. The noise mitigation measures as detailed in the approved scheme shall be implemented for the duration of the operational phase of the development.

12. There shall be no external loudspeaker system for transmission of announcements / music on any part of the site.

13. No development shall take place until a scheme showing a detailed layout, design, drainage and construction of the access to the development comprising the proposed junction of the site access with Ruthin Road and Centenary Road, the access road leading from Ruthin Road to the rear of the proposed store and the accesses to the Wrexham Ambulance Station shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be laid out and constructed prior to the first use of the development.

14. No development shall take place until a scheme to upgrade the traffic signal controller at the A483 Wrexham By-pass/A525 Ruthin Road junction be submitted to and approved, in writing, by the Local Planning Authority. The approved scheme shall be implemented prior to the first use of the development.

15. No development shall take place until a scheme showing a detailed layout, design, drainage and construction of the proposed improvement (including the conversion to traffic signal operation) of Ruthin Road / Bradley Road roundabout junction shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be laid out and constructed prior to the first use of the development.

16. No development shall take place until a scheme showing a detailed layout, design, drainage and construction of measures to improve the layout of Ruabon Road/Fairy Road/Victoria Road roundabout designed to reduce the speed of vehicles travelling south through the roundabout along Ruabon Road shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be laid out and constructed prior to the first use of the development.

17. Vehicle / cycle parking and turning facilities shall be provided within the curtilage of the site in accordance with details set out on the Proposed Site Plan [Drawing Number 209-156C (PL)02 rev F], unless the agreed

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landscaping scheme necessitates changes to the layout vehicle/cycle parking and turning facility to provide additional planting. Such facilities shall be laid out and constructed prior to the first use of the development and shall thereafter be maintained.

18. No development shall take place until a scheme to provide bus stops and shelters shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented to an agreed timescale.

19. No development shall take place until a construction stage traffic management plan setting out details of the routing of vehicles during the construction period and provision for parking of construction traffic within the site curtilage shall be submitted to and agreed in writing by the Local Planning Authority. The plan as approved shall be implemented at all times during the construction period.

20. Within 12 months from the first use of the development a Final Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved Final Travel Plan with recommended measures / actions / targets shall be implemented to an agreed timescale. An annual monitoring and assessment report setting out the progress made towards achieving the targets identified shall be submitted to the Local Planning Authority, following each anniversary thereafter up to and including the fifth anniversary.

21. No water of any kind generated by the proposed development shall be permitted to flow from any part of the site on to the highway or into the highway drainage system or be allowed to accumulate in such a way as to affect the highway surface or structure.

22. No part of the development hereby permitted shall be commenced until full details of both hard and soft landscape works for the site have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with a timescale to be approved in conjunction with the scheme of details.

23. No development shall take place until an Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall include a specification for tree protection fencing and ground protection measures that complies with British Standard 5837:2005; a plan showing the location of retained trees' with their crown spreads, Root Protection Areas' and the location of protective fencing plotted. A full specification for any access, driveway, path, underground services or wall foundations within retained trees' Root Protection Areas', including any related sections, details of general arboricultural matters including proposed practices with regards to cement mixing, material storage

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and fires; details of the frequency of supervisory visits and procedures for notifying the finding of such visits to the Local Planning Authority and method statement for protecting retained trees during demolition works should also be included. Works shall be carried out in accordance with the approved method statement.

24. Within six months of the first use of the development, trees and shrubs shall be planted on the site in accordance with a scheme which has been submitted to and approved by the Local Planning Authority. Any trees or shrubs removed, dying, being severely damaged, or becoming seriously diseased within five years of planting shall be replaced by trees or shrubs of a similar size and species to those originally required to be planted.

25. No trees shall be lopped, topped, felled or uprooted without the prior written permission of the Local Planning Authority, nor shall any trees be wilfully damaged.

26. A Landscape Management Plan for all areas of the development as approved, including long term design objectives, management responsibilities, maintenance schedules, timing and frequency of maintenance operations and annual review of plant failures and replacement requirements shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development or any phase of the development, whichever is sooner, for its permitted use. The approved landscape management plan shall be implemented to an agreed timescale.

27. No development shall take place until full details for arboricultural supervision of tree protection measures and for any ground works within the root protection areas (as per BS 5837:2005) of retained trees on or adjacent to the site shall be submitted to and approved in writing by the Local Planning Authority. The supervisory works shall be carried out in accordance with the approved details.

28. No development shall take place until an Ecological Method Statement and Mitigation Report shall be undertaken by specialist consultants and submitted to and approved in writing by the Local Planning Authority. The report must propose and deliver appropriate conservation schemes and 'Reasonable Avoidance Measures' which must be implemented in accordance with time scales to be agreed as part of the measures before development commences on site.

29. Prior to the commencement of development details of any external lighting or illumination shall be submitted to and approved in writing by the Local Planning Authority. The details as approved or otherwise agreed in writing by the Local Planning Authority shall be implemented prior to the first use of the development and maintained for the lifetime of the development.

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30. No development shall take place until the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the local planning authority:
1. The site investigation results and the detailed risk assessment. Based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
2. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (1) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. The scheme shall be implemented as approved unless otherwise agreed in writing by the Local Planning Authority.

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

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

33. No development shall take place until a scheme for the comprehensive and integrated drainage of the site showing how foul water, surface water and land drainage will be dealt with shall be submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be implemented prior to the occupation of the development. The surface water drainage system shall be implemented before the construction of impermeable surfaces draining to this system unless otherwise agreed in writing by the Local Planning Authority.

34. Prior to commencement of development details of the design / construction of the proposed channel as shown on the Proposed Site Plan [Drawing Number 209-156C (PL)02 rev F] to convey flood waters around the development shall be submitted to and approved in writing by the Local

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Planning Authority. The proposed flood channel shall be implemented prior to occupation of the development hereby approved and maintained and kept free from any obstruction at all times during the lifetime of the building. No structures of any kind shall be placed over or on top of the flood channel.

35. The rating level of any noise generated by air handling plant associated with this development shall not exceed 38 dB(A) between 23.00 hours to 07.00 hours. The noise levels shall be determined at the nearest noise sensitive premises. Measurements and assessment shall be made in accordance with BS4142 :1997 Method of Rating Industrial Noise Affecting Mixed Residential and Industrial areas.

36. No development shall take place until a dust management scheme has been submitted to and approved in writing by Local Planning Authority. The dust mitigation measures as detailed in the approved scheme shall be implemented for the duration of the construction phase of the development.

37. Foul water and surface water discharges shall be drained separately from the site.

38. No surface water shall be allowed to connect (either directly or indirectly) to the public sewerage system unless otherwise agreed in writing by the Local Planning Authority.

39. No land drainage run-off will be permitted, either directly or indirectly, to discharge into the public sewerage system.

40. Prior to the commencement of development a detailed scheme for the treatment of Japanese Knotweed and for the disposal of soils affected by Japanese Knotweed shall be submitted to and approved by the Local Planning Authority. The measures as approved shall be implemented prior to the first use of the development.

41. Prior to the commencement of development an air quality assessment shall be carried out for the road traffic pollutants of Nitrogen dioxide (NO2) and Particulate (PM10) using appropriate modelling methods, as described in the guidance note "Local Air Quality Management Technical Guidance LAQM TG (09)". The results obtained from the modelling and any monitoring shall be used to demonstrate that the air quality objectives as set out in the Air Quality Standards (Wales) Regulations 2007 are not exceeded.

42. No development shall take place until a scheme showing a detailed layout, design, drainage and construction of the pedestrian / cycle way along the disused railway line has been submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be laid out, constructed and made available for use prior to the first use of the development.

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Reason(s)

1. To comply with Section 91(3) of the Town and Country Planning Act, 1990.
2. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.
3. To comply with the requirements for sustainable buildings published by the Welsh Assembly Government in June 2010 in Planning Policy Wales.
4. To comply with the requirements for sustainable buildings published by the Welsh Assembly Government in June 2010 in Planning Policy Wales.
5. To comply with the requirements for sustainable buildings published by the Welsh Assembly Government in June 2010 in Planning Policy Wales.
6. To ensure that adequate access to the Ambulance Station is available at all times.
7. To ensure the store does not compromise the vitality, viability and attractiveness of Wrexham Town Centre.
8. To ensure the store does not compromise the vitality, viability and attractiveness of Wrexham Town Centre.
9. To protect the amenities of the occupiers of nearby properties.
10. To protect the amenities of the occupiers of nearby properties.
11. Due to the proximity of residential properties on Ruthin Road and The Maelor Hospital it is necessary to assess/control the impact of noise upon nearby occupiers.
12. There shall be no external loudspeaker system for transmission of announcements / music on any part of the site.
13. In the interest of the free and safe movement of traffic on the adjacent highway and to ensure the formation of a safe and satisfactory access.
14. In the interest of the free and safe movement of traffic on the adjacent highway.
15. In the interest of the free and safe movement of traffic on the adjacent highway.
16. In the interest of the free and safe movement of traffic on the adjacent highway.
17. To provide for the loading, unloading and parking of vehicles clear of the highway, to ensure that reversing by vehicles into or from the highway is rendered unnecessary in the interest of traffic safety and to provide for the safe and secure parking of bicycles and support a sustainable mode of transport.
18. To ensure proper provision is made for access to the site by public transport.
19. In the interest of the free and safe movement of traffic on the adjacent

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highway and to eliminate nuisance caused to neighbouring property owners.
20. To ensure that measures to promote and support sustainable modes of travel are sustained.
21. In the interest of the free and safe movement of traffic on the adjacent highway.
22. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.
23. To ensure the amenity afforded by the trees is continued into the future.
24. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.
25. To protect trees which are of significant amenity value to the area.
26. To ensure that the landscape proposals approved are appropriately managed in the long term.
27. To ensure that the trees on and adjacent to the site that are adequately protected during the development.
28. In order to protect wildlife interests which are afforded special protection.
29. To prevent light spillage in the interests of residential amenity.
30. To protect controlled waters in the sand and gravel aquifer beneath the site and the adjacent River Gwenfro to the northwest of the site.
31. To protect controlled waters in the sand and gravel aquifer beneath the site and the adjacent River Gwenfro to the northwest of the site.
32. To protect controlled waters in the sand and gravel aquifer beneath the site and the adjacent River Gwenfro to the northwest of the site.
33. To ensure that effective drainage facilities are provided for the proposed development and that no adverse impact occurs to the environment (preventing the increased risk of flooding) or the existing public sewerage system.
34. To prevent the increased risk of flooding.
35. To protect the amenities of the occupiers of nearby properties.
36. To protect the amenities of the occupiers of nearby properties.
37. To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment.
38. To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment.
39. To prevent hydraulic overload of the public sewerage system and pollution of the environment.
40. To prevent the spread of an invasive non-native species.

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41. To protect the amenity of residents on Ruthin Road and Bryn Offa as well as Wrexham Maelor Hospital from poorer air quality through traffic emissions.
42. To ensure that a properly constructed pedestrian access and cycle way is available for use when the development is completed thereby enabling safe and convenient access to and egress from the site in the interests of cyclists and pedestrians.

Note(s) to applicant

Your attention is drawn to Highway Supplementary Notes Numbered 1, 3, 4 and 5 on the enclosed "Applicants' Rights and General Information".

The separate written consent of the Local Highway Authority must be obtained before any work is carried out within the confines of the highway. You are advised that the Highway Authority will require such works to be completed to their satisfaction before they will formally adopt the relevant Highway works for public use and to be maintained at public expense. This will include the provision of a bond to cover the estimated value of such works. The appropriate fees will become due to the Council when the Highways Authority approve the proposed works to be carried out.

You are required to seek technical approval from the Council's Transportation & Asset Management Division for any retaining structures that support a highway.

To achieve any attenuation of surface waters on site, the Environment Agency Wales advocates the use of Sustainable Urban Drainage Systems (SuDS), further information about which can be found in CIRIA publications C522 SuDS - Design Manual for England and Wales & C523 SuDS - Best Practice Manual.

Environment Agency Wales recommends that the installation of underground fuel tanks should be in accordance with the following guidance below:

o Pollution Prevention Guideline (PPG) 27 Installation, Decommissioning and removal of underground storage tanks available from the Environment Agency website.
o DEFRA Groundwater Protection Code: Petrol stations and other fuel dispensing facilities involving underground storage tanks.

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To satisfy conditions 29 and 30 you are advised to have regard to the following points:

- The specific leachate tests used for the controlled waters risk assessment. Justification for this particular test needs to be made.
- The controlled waters risk assessment needs to address whether hazardous substances are present in the leachate above minimum reporting values and whether following re-development there will be any entry of these substances into groundwater beneath the site.
- In determining appropriate EQS values for pollutants justification for the hardness of the receiving water needs to be made.

Environment Agency Wales recommends that developers should:
1. Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.
2. Refer to the Environment Agency Guidance on Requirements for Land Contamination Reports for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health. Refer to the EAW website at www.environment-agency.gov.uk for more information.

Wrexham Ccounty Borough Council maintains a continuous Air Quality monitoring site some 250 metres from the development, further details of this site can be gained by contacting Environmental Protection on 01978 813700.

Applicants should note that the Council has the option to control construction site noise by means of a Control of Pollution Act 1974, Section 60, Notice, where deemed necessary

There shall be no bonfires on the site, to include the prohibition of the burning of cleared vegetation.

Further advice on compliance with this condition may be obtained by contacting the Council's Environmental Protection section on 813724. Should the investigation identify contamination issues that may affect receptors other than the site users e.g. groundwater, then it is recommended that these issues are also addressed in consultation with the Public Protection Department prior to works commencing on site, so as to avoid enforcement under Part II of the Environmental Protection Act, 1990.

The premises will need to comply with the provisions of all relevant food

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safety legislation, enforced by the Public Protection Department, and the Company should register the premises with the Department at least 28 days prior to opening.

The premises will need to comply with the requirements of the Health and Safety at Work etc. Act 1974 and associated Welfare regulations. The applicant should be advised to contact the Health & Safety Enforcement for further advice - Tel. 01978 813717.
In particular - further details are requested regarding the rear service yard design, specification and demarcation/segregation arrangements. Is the yard to be provided with a gate, and is the turning circle to be designated and large enough for HGVs to turn around in one movement?

On completion of the development an application should be made to Dwr Cymru Welsh Water for the adoption of the sewers that by their construction and layout should be deemed 'Public Sewer'

You are advised that all sewer/ drainage facilities should conform to the appropriate Building Regulations and Building Standards.

No water or effluent should be discharged from the site or operations on the site into the railway undertaker's culverts or drains, without Network Rail approval. Soakaways should not discharge towards and / or within 10m of railway infrastructure. Details of the proposed drainage must be submitted to, and approved by the Local Planning Authority; acting in consultation with the railway undertaker and the works shall be carried out in accordance with the approved details.

All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development.

You are advised to negotiate with the Council in order to provide a solution to the displacement of on street parking on Ruthin Road. It is expected that the applicant works closely with the Council in order to deliver a solution which will off set the effect of any Traffic Regulation Order required as part of the junction improvements to Ruthin Road/ Bradley Road junction.

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Officer Appointed for this purpose
Refer to the Statement of Applicant's Rights and General Information Enclosed

Chief Planning Officer, Lambpit Street, Wrexham, LL11 1AR