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 STEVEN KIDD

Reference P/2024/1174

Agent MR IAN HUNTER
PLANDE 1ST FLOOR
KENNEDY HOUSE 31
STAMFORD STREET
ALTRINCHAM WA14
1ES

Date Received 17/05/2024

Decision Date 04/12/2024

Town and Country Planning Act, 1990

Location of Application

LAND AT, BORDER RETAIL PARK, WREXHAM, LL13 8NG

Description of Application

ADEILADU SIOP GOFFI GYDA CHYFLEUSTER CASGLU O FFENEST Y CAR, MYNEDIAD CYSYLLTIEDIG, GWAITH TIRLUNIO A GWASANAETHU
ERECTION OF COFFEE SHOP WITH DRIVE THRU, ASSOCIATED ACCESS, LANDSCAPING AND SERVICING

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

Wrexham Local Development 2013 – 2028:

DM1 - Development Management Considerations
NE1 - International and National Nature Conservation Designations
NE2 - Local Designations for Nature Conservation and Geological Importance
NE3 - Trees, Woodlands and Hedgerows
NE6 - Waste Water Treatment and River Water Quality
R5 - District, Local, Village and Neighbourhood Centres
SP12 - Design Principles & Masterplanning Framework
SP14 - Natural Environment
SP19 - Green Infrastructure
SP2 - Location of Development
T1 - Managing Transport Impacts

Revision	Date	Description of Decision
0	04/12/2024	Planning permission issued

Particulars of decision : GRANTED subject to the following:-

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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):
   - 18980 - 110 Rev J,
   - 18980 - 111 Rev J,
   - 18980 - 112 Rev B,
   - 18980 - 113 Rev A,
   - 18980 - 114 Rev F,
   - 18980 - 115 Rev C,
   - 1001 Rev P05.

3. The external surfaces of the building(s) shall be constructed of the materials specified on plan refs: 18980 - 112 Rev B, 18980 - 113 Rev A, 18980 - 114 Rev F and 18980 - 115 Rev D.

4. No external illumination within the site shall take place before a lighting scheme has been submitted to and agreed in writing by the Local Planning Authority. The lighting scheme shall be installed and operated in accordance with the approved details. No other lighting shall be used on any external part of the development.

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5. 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.

6. Each part of the site subject to the remediation under the scheme(s) approved as part of condition no. 4 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.

7. No part of the development shall commence until a plan to provide net benefit for biodiversity (NBB) i.e. a better outcome than if the site was left undeveloped has been submitted to, and approved in writing by, the Local Planning Authority. The measures shall be implemented in full, prior to first occupation / use of the development, and thereafter maintained for the lifetime of the development.

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8. The development shall be carried out in strict accordance with the findings and recommendations contained within the Preliminary Ecological Report Appraisal (PEA), By Ecus Ltd, V2.0 ref: 21955, dated May 2024 and the Bat Report, Tree Inspection, by Indigo Surveys Ltd, Revision 1, ref: 241684, Dated 23 August 2024. The mitigation and compensation measures hereby approved shall be fully implemented prior to first use of the development.

9. No development shall commence, including any works of demolition, until a Construction Traffic Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The approved statement shall be adhered to throughout the construction period.

10. The development shall not be occupied until a Service and Delivery Management Plan has been submitted to and approved in writing by the Local Planning Authority. Servicing and deliveries to the development shall take place in accordance with the approved Service and Delivery Management Plan.

11. Prior to first use of the development on-site bicycle parking facilities shall be provided in strict accordance with a scheme that shall have first 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 bicycles.

12. The vehicular parking and turning areas as shown on the plans(s) numbered 18980 - 110 Rev J and 18980 - 111 Rev J shall be fully laid out, surfaced and drained prior to first use of the development. This area shall thereafter be permanently retained and kept free of any obstruction, and made available solely for the parking of vehicles at all times.

13. No use of the development shall be made before 0600 hours or after 2300 hours on any day.

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14. The landscaping scheme shown on 1001 Rev P05 shall be fully implemented in strict accordance prior to the first use of the development, with the exception of soft landscaping which shall be carried out in the first planting season (November to March) or seeding season (April to September) following the first use. Any trees, hedgerows or plants which, following the completion 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.

15. No land drainage run-off or surface water shall be permitted to discharge or connect to the public sewerage system, either directly or indirectly, and foul and surface water shall be drained separately from the site.

16. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any statutory instrument revoking and re-enacting that Order with or without amendment), no part of the premises shall be used except for the precise purposes described in the application plans and documents, as a 'Drive Thru' Coffee Shop.

17. No development or other operations shall take place except in strict accordance with Arboricultural Method Statement ref: Arboricultural Report, Impact Assessment and Method Statement, by Ecus Ltd, Ref: 21955, V0.3, Dated May 2024 as is approved.

18. The vehicular parking and turning areas as shown on the plans(s) numbered 18980-111 Rev J shall be fully laid out, surfaced and drained prior to first use of the development. This area shall thereafter be permanently retained and kept free of any obstruction, and made available solely for the parking of vehicles at all times.

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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.

4 In order to protect wildlife interests in accordance with Policies DM1 and SP14, NE1 and NE2 of the Wrexham Local Development Plan.

5 In the interests of the amenities of the future occupants of the development in accordance with Policy DM1 of the Wrexham Local Development Plan.

6 In the interests of the amenities of the future occupants of the development in accordance with Policy DM1 of the Wrexham Local Development Plan.

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

8 In order to protect wildlife interests in accordance with Policies DM1 and SP14, NE1 and NE2 of the Wrexham Local Development Plan.

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

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

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

12 To provide for the parking and turning of vehicles clear of the highway and to ensure that reversing by vehicles into or from the highway is rendered unnecessary in the interest of traffic safety in accordance with Policies DM1 and T1 of the Wrexham Local Development Plan

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

14 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.

15 To protect the integrity of the public sewerage system and prevent hydraulic overloading of the public sewerage system. To protect the health and safety of existing residents and to ensure no detriment to the environment in accordance with Policy DM1 of the Wrexham Local Development Plan.

16 In the interests of highway safety in accordance with Policies DM1 and T1 of the Wrexham Local Development Plan.

17 To preserve the health, safety and amenity value of the tree(s) in accordance with Policies DM1, SP12, SP14 and NE3 of the Wrexham Local Development Plan.

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18 To provide for the parking and turning of vehicles clear of the highway and to ensure that reversing by vehicles into or from the highway is rendered unnecessary in the interest of traffic safety in accordance with Policies DM1 and T1 of the Wrexham Local Development Plan

Note(s) to applicant

Guidance on best management practice for catering outlet for the dispersal of fats, oils, grease and food waste, as issued by Water UK is available by contacting the Council's Environmental Health & Housing Standards Team on healthandhousing@wrexham.gov.uk or 01978 298989 for further advice and information.

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.

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.

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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.

Further advice on compliance with condition nos. 5 and 6 may be obtained by contacting the Council's Contaminated Land Officer on 01978 298771 or 297773. 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 Contaminated Land Officer prior to commencement of works on site.

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.

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Following the commencement of Schedule 3 of the Flood and Water Management Act, the works as proposed are required to obtain approval from the SuDS Approving Body (SAB) prior to commencement of those construction works. Further details of the SAB, the new national standards, the pre-application advice service and the application for approval process can be found on the Wrexham CBC's SAB webpage: https://www.wrexham.gov.uk/english/planning_portal/sab/sab.htm or by contacting the SAB Team directly at SAB@wrexham.gov.uk

You are advised that the premises should comply with the relevant Food Hygiene Legislation, and you are advised to contact Council's Food & Farming Team on foodandfarming@wrexham.gov.uk or 01978 298989 for further advice and information.

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