

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



Applicant	MR PHILIP THOMLINSON	Reference	P/2024/0123
Agent	FORGE PROPERTY CONSULTANTS MR DAVE BATES FORGE PROPERTY CONSULTANTS LANE END TEDSMORE ROAD WEST FELTON OSWESTRY SHROPSHIRE SY11 4ER	Date Received	08/12/2023
		Decision Date	06/05/2025

Town and Country Planning Act, 1990

Location of Application

PEN Y PALMANT FARM OLD ROAD MINERA WREXHAM LL11 3YR

Description of Application

NEWID DEFNYDD ADEILAD AMAETHYDDOL I 10 UNEDAU (DDOSBARTH B1 - DIWYDIANNOL YSGAFN)

CHANGE OF USE OF AGRICULTURAL BUILDING TO 10 NO. UNITS (CLASS B1 - LIGHT INDUSTRIAL)

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

National Policies and Technical Advice Notes (TAN):

TAN 11 : Noise

TAN 12 : Design

TAN 18 : Transport

Wrexham Local Development 2013 – 2028:

DM1 - Development Management Considerations

EM4 - Employment Development Outside of Settlement Limits

NE1 - International and National Nature Conservation Designations

NE2 - Local Designations for Nature Conservation and Geological Importance

NE6 - Waste Water Treatment and River Water Quality

SP12 - Design Principles & Masterplanning Framework

SP14 - Natural Environment

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SP19 - Green Infrastructure
SP6 - Green Wedge
T1 - Managing Transport Impacts

Revision	Date	Description of Decision
0	06/05/2025	Planning permission issued

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 approved drawing numbers:
 - Proposed Elevation Plan ref: Tom-002
 - Proposed Floor Plan ref: Tom-004
 - Site Plan A
 - Site Plan C
 - Internal Fence Plan B
3. Prior to first use of the development hereby permitted, 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.

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4. Prior to the first use of the building for the use hereby permitted a scheme of landscaping shall be submitted to and approved in writing by the Local Planning Authority. Landscaping shall be undertaken in accordance with the scheme as approved. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting (November to March) and seeding seasons following the first use of the development (April to September). Any trees, hedgerows or plants which are subsequently removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
5. Prior to the first use of the development hereby permitted, measures to deliver a net benefit for biodiversity (NBB) i.e. a better outcome than if the site was left undeveloped, shall be implemented in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority. The measures shall be thereafter maintained for the lifetime of the development.
6. 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.
7. The building shall not be illuminated outside of the operating hours referred to in condition 9.

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8. No development shall take place until a scheme for the drainage of foul water has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the first use/occupation of the development and shall be retained thereafter.
9. No use of the development shall be made before 0730 hours or after 1900 hours on Mondays to Fridays, before 0800 hours or after 1700 hours on a Saturday, or before 1000 hours or after 1600 on a Sunday or Bank Holiday.
10. No storage shall take place in the open on any part of the site.
11. 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.
12. There shall be no gates or other means of enclosure within 10 metres of the vehicular access point onto Old Road.
13. The vehicular and cycle parking and turning areas as shown on approved drawing no. Site Plan A shall be fully laid out, surfaced and drained prior to first use of the development hereby permitted. These areas shall thereafter be permanently retained and kept free of any obstruction, and made available solely for the parking and turning of motor vehicles at all times.

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14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any Order revoking and re-enacting that Order with or without modification), no part of the site shall be used except for purposes strictly within Use Class B1 of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any Order revoking and re-enacting that Order with or without modification).
15. No vehicles associated with the development hereby approved shall be permitted to use the existing vehicular access point onto Pen Y Palmant Road. This vehicular access shall only be used by farm vehicles to access the fields to the south, south east of the site.
16. Prior to first use of the development hereby permitted the associated vehicular access shall provide visibility splays of 2.4 metres x 43 metres in both directions measured to the nearside edge of the adjoining highway. Within these splays there shall be no obstruction in excess of 1 metre in height above the level of the nearside edge of the adjoining highway. The splays shall thereafter be permanently retained clear of any such obstruction to visibility.
17. Prior to first use of the development hereby permitted, the fence as shown on approved plan ref: Internal Fence Plan B, shall be erected on site and shall be permanently retained in the agreed location.
18. The light industrial units hereby approved shall be permanently retained as 10 no. individual units and at no time shall operate as a single unit.

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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 71ZA (2) of the Town and Country Planning Act 1990.
3. To assist occupiers/users of the development to make sustainable transport choices in accordance with Policy DM1 of the Wrexham Local Development Plan.
4. 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.
5. To ensure the development delivers net benefit to biodiversity in accordance with paragraph 6.4.5 of Planning Policy Wales 12.
6. To ensure a satisfactory standard of appearance of the development in the interests of the visual and residential amenities of the area in accordance with Policies EM4, SP6 and DM1 of the Wrexham Local Development Plan.
7. To ensure a satisfactory standard of appearance of the development in the interests of the visual and residential amenities of the area in accordance with Policies SP6 and DM1 of the Wrexham Local Development Plan.

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8. 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.
9. To ensure that the premises is not used at a time which would be likely to cause nuisance or disturbance to nearby residents in accordance with Policies EM4 and DM1 of the Wrexham Local Development Plan.
10. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies SP6 and DM1 of the Wrexham Local Development Plan.
11. To protect the amenities of the occupiers of nearby properties in accordance with Policies EM4 and DM1 of the Wrexham Local Development Plan.
12. 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 in accordance with Policy DM1 of the Wrexham Local Development Plan.
13. To provide for the parking and turning of vehicles and cycles 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.

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14. To protect the amenities of the occupiers of nearby properties and in the interests of highway safety in accordance with Policy DM1 of the Wrexham Local Development Plan.
15. In the interests of highway safety in accordance with Policy DM1 of the Wrexham Local Development Plan.
16. To ensure that adequate visibility is provided at the proposed point of access to the highway in accordance with Policy DM1 of the Wrexham Local Development Plan.
17. In the interests of highway safety in accordance with Policy DM1 of the Wrexham Local Development Plan.
18. In the interests of protecting local residential amenity and highway safety in accordance with Policies DM1 and T1 of the Wrexham Local Development Plan.

Note(s) to applicant

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.

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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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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

Detailed advice has been issued by Natural Resources Wales (NRW) which is available on the Council's planning applications website.

David Fitzsimon
Prif Swyddog Yr Economi a Chynllunio, Cyngor Bwrdeistref Sirol Wreccsam
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](#)