

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** P JONES

**Reference** P/2024/0003

**Agent** PETER MILLER  
MTP TOWN PLANNING LTD  
23 FIR TREE AVENUE  
CHESTER  
CH4 7QY

**Date Received** 07/12/2023

**Decision Date** 03/02/2025

---

### **Town and Country Planning Act, 1990**

#### **Location of Application**

CARLTON GARDEN CENTRE, PINFOLD LANE, LLAY INDUSTRIAL ESTATE,  
LLAY, WREXHAM, LL12 0PX

#### **Description of Application**

NEWID DEFNYDD O GANOLFAN ARDDIO I IARD GLUDIANT

CHANGE OF USE FROM GARDEN CENTRE TO HAULAGE YARD

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

TAN 23 : Economic Development

TAN 5 : Nature Conservation and Planning

#### **Wrexham Local Development 2013 – 2028:**

DM1 - Development Management Considerations

EM1 - Protection of Existing Employment Land

MW5 - Sustainable Waste Management

NE1 - International and National Nature Conservation Designations

NE3 - Trees, Woodlands and Hedgerows

NE6 - Waste Water Treatment and River Water Quality

SP8 - Economic Growth, Employment and Enterprise

SP11 - Transport and Accessibility

SP12 - Design Principles & Masterplanning Framework

SP14 - Natural Environment

SP19 - Green Infrastructure

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** P JONES

**Reference** P/2024/0003

**Agent** PETER MILLER  
MTP TOWN PLANNING LTD  
23 FIR TREE AVENUE  
CHESTER  
CH4 7QY

**Date Received** 07/12/2023

**Decision Date** 03/02/2025

SP2 - Location of Development  
SP6 - Green Wedge  
T1 - Managing Transport Impacts  
T2 - Active Travel

| Revision | Date       | Description of Decision    |
|----------|------------|----------------------------|
| 0        | 03/02/2025 | 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 following plan(s) and document(s):  
CGL 003b - Proposed site plan  
received 07.11.2024  
  
4639/02 Rev B - Surface water drainage  
received 12.08.2024  
  
CGL 003a - Proposed site plan and NBB  
received 12.07.2024  
  
CGL 001 - Site Location Plan  
CGL 004 - Existing WC building plan and elevations  
CGL 005 - Existing storage shed plan and elevations  
received 18.01.2024
3. The development hereby permitted shall not be occupied until the measures to deliver net benefit for biodiversity (NBB) shown on plan reference CGL 003a and detailed within the Ecological Enhancement Plan UES04084/03 V2 have been implemented in full. The measures shall thereafter be maintained for the lifetime of the development.

**Applicant** P JONES

**Reference** P/2024/0003

**Agent** PETER MILLER  
MTP TOWN PLANNING LTD  
23 FIR TREE AVENUE  
CHESTER  
CH4 7QY

**Date Received** 07/12/2023

**Decision Date** 03/02/2025

4. The development shall be carried out in strict accordance with the findings and recommendations contained within the following ecological reports:
  - Bat Presence/Absence Survey ref UES04084/04 prepared by UES Ltd
  - Preliminary Ecological Appraisal ref UES04084/04 prepared by UES LtdThe mitigation and compensation measures hereby approved shall be fully implemented prior to first use of the development.
5. The development shall be carried out in strict accordance with the findings and recommendations contained within the Arboricultural Impact Assessment and Method Statement ref 24/AIA/WXM/321 prepared by Tree Solutions. The mitigation and compensation/protection measures hereby approved shall be fully implemented prior to first use 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. No other lighting shall be used on any external part of the development.
7. Prior to the first use of the development hereby permitted, an acoustic barrier shall be introduced along the southern boundary of the site with Llay Road in accordance with details first submitted to and approved by the Local Planning Authority. The acoustic barrier shall be retained at all times after.
8. No use of the development shall be made before 05:00 or after 20:00 on Mondays or before 07:00 or after 20:00 Tuesday to Friday and at no times on Saturdays or Sundays.

**Applicant** P JONES

**Reference** P/2024/0003

**Agent** PETER MILLER  
MTP TOWN PLANNING LTD  
23 FIR TREE AVENUE  
CHESTER  
CH4 7QY

**Date Received** 07/12/2023

**Decision Date** 03/02/2025

9. Prior to the first use of the development hereby permitted, details of the self contained washing plant shall be submitted to and agreed in writing by the local planning authority. The washing plant shall be constructed in accordance with the approved details.
10. 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.
11. No private surface water run off shall be permitted to flow from the development site onto the adjoining highway. An Aco drain or similar shall be provided across the approved access to intercept any such run off prior to first use of the development and thereafter permanently retained.

### **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 the development delivers net benefit to biodiversity in accordance with paragraph 6.4.5 of Planning Policy Wales 12.
- 4 In order to protect wildlife interests in accordance with Policies DM1 and SP14, NE1 and NE2 of the Wrexham Local Development Plan.

**Applicant** P JONES

**Reference** P/2024/0003

**Agent** PETER MILLER  
MTP TOWN PLANNING LTD  
23 FIR TREE AVENUE  
CHESTER  
CH4 7QY

**Date Received** 07/12/2023

**Decision Date** 03/02/2025

- 5 To preserve the health, safety and amenity value of the trees in accordance with Policies DM1 and SP12, SP14 and NE3 of the Wrexham Local Development Plan.
- 6
- 7 To safeguard local residents from noise and disturbance and to comply with Policy DM1 of the Wrexham Local Development Plan.
- 8 To protect the amenities of the occupiers of nearby properties in accordance with Policy DM1 of the Wrexham Local Development Plan.
- 9 To ensure a satisfactory standard of appearance of the development and to protect the amenities of the occupiers of nearby properties in accordance with Policy DM1 of the Wrexham Local Development Plan.
- 10 To assist occupiers/users of the development to make sustainable transport choices in accordance with Policy DM1 of the Wrexham Local Development Plan.
- 11 In the interests of highway safety in accordance with Policy DM1 of the Wrexham Local Development Plan.

### **Note(s) to applicant**

#### SAB informative

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](https://www.wrexham.gov.uk/english/planning_portal/sab/sab.htm) or by contacting the SAB Team directly at [SAB@wrexham.gov.uk](mailto:SAB@wrexham.gov.uk)

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** P JONES

**Reference** P/2024/0003

**Agent** PETER MILLER  
MTP TOWN PLANNING LTD  
23 FIR TREE AVENUE  
CHESTER  
CH4 7QY

**Date Received** 07/12/2023

**Decision Date** 03/02/2025

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](mailto:healthandhousing@wrexham.gov.uk) or 01978 292040. Please use the same contact details for any other enquiries regarding construction / demolition site noise.

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.

**Applicant** P JONES

**Reference** P/2024/0003

**Agent** PETER MILLER  
MTP TOWN PLANNING LTD  
23 FIR TREE AVENUE  
CHESTER  
CH4 7QY

**Date Received** 07/12/2023

**Decision Date** 03/02/2025

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](mailto:healthandhousing@wrexham.gov.uk) or 01978 292040 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](mailto:healthandhousing@wrexham.gov.uk) or 01978 292040 for further advice and information.

### **Highways informative**

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](mailto: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 asked 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;

**Applicant** P JONES

**Reference** P/2024/0003

**Agent** PETER MILLER  
MTP TOWN PLANNING LTD  
23 FIR TREE AVENUE  
CHESTER  
CH4 7QY

**Date Received** 07/12/2023

**Decision Date** 03/02/2025

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 from 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.

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.

#### DCWW informative

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

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** P JONES

**Reference** P/2024/0003

**Agent** PETER MILLER  
MTP TOWN PLANNING LTD  
23 FIR TREE AVENUE  
CHESTER  
CH4 7QY

**Date Received** 07/12/2023

**Decision Date** 03/02/2025

drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7<sup>th</sup> Edition. Further information can be obtained via the Development Services pages of [www.dwrcymru.com](http://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.

A handwritten signature in black ink, appearing to be 'DF', written in a cursive style.

**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](#)