

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	H PACK PACKAGING UK	Code Number	LLA P/2023/0500
Agent	CASSIDY AND ASHTON MR GUY EVANS 10 HUNTERS WALK CANAL STREET CHESTER CH1 4EB	Date Received	21/07/2023
		Decision Date	04/03/2024

Town and Country Planning Act, 1990

Location of application

H PACK PACKAGING UK, DAVY WAY, LLAY INDUSTRIAL ESTATE, LLAY, WREXHAM, LL12 0PG

Description of application

ADEILADU STORFA A WARWS DOSBARTH AU (DOSBARTH B8) A FFURFIO MYNEDIAD NEWYDD I LÔN RACKERY / ERECTION OF STORAGE AND DISTRIBUTION WAREHOUSE (CLASS B8) AND FORMATION OF NEW ACCESS ONTO RACKERY LANE

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

DM1	Development Management Considerations
NE1	International and National Nature Conservation Designations
NE3	Trees, Woodlands and Hedgerows
NE6	Waste Water Treatment and River Water Quality
SP12	Design Principles & Masterplanning Framework
SP14	Natural Environment
SP18	Climate Change
SP2	Location of Development
T1	Managing Transport Impacts

Revision	Date	Description of Decision
0	04/03/2024	Planning permission issued

Particulars of decision that permission be 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.

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2. The development shall only be carried out in strict accordance with the details shown on the approved drawing(s) :-
Existing and Proposed site sections 11373-PL-SO1
Existing site plan 11373-PL-L04
Exiting site plan (Wider site) 11373-PL-L03
Illustrative Site Location plan 11373-PL-L00
Indicative Building Sections 11373-PL-S02
Proposed 3D Views (1 of 2) 11373-PL-V01
Proposed 3D Views (2 of 2) 11373-PL-V02
Proposed Block plan 11373-PL-L02_B
Proposed elevations (landscape overlay) 11373-PL-E02
Proposed elevation 11373-PL- E01
Proposed floor plans 11373-PL-P01
Proposed materials 11373-PL-E03
Proposed office plans 11373-PL-P03
Proposed roof plan 11373-PL-P02
Proposed site plan 11373-PL-L10B
Proposed topographical overlay plan 11373-PL-L11
Proposed wider site plan showing vehicle circulation 11373-PL-L09
Proposed wider site plan 11373-PL-L08_C
Site constraints plan 11373-PL-05
Site location plan 11373-PL-L01
Proposed Davy Way Entrance 11373-PL-L12_B
Proposed Rackery Lane Entrance 11373-PL-L13_B
231109_735-01-GA-02 Rev C_Rackery Lane Visibility Splays
231109_Site Layout Track Plot Analysis_735-01_ATR-01 Rev B,
Drawing L02C Proposed Block Plan, L08C Wider Site Plan
L13B Detailed Site Plan Rackery Lane Entrance
240131_731-01-TN02_Highways Response and as contained within the application documentation.

3. The development shall be carried out in strict accordance with the following plans and report(s) submitted and approved as part of this application:
 - *1) Arboricultural Implication Assessment ref no. 4862/DR.2
 - *2) Tree Protection Plan ref no. TPP/4862/Y/300
 - *3) Arboricultural Method Statement ref no. 4862/DR.2
 No development or other operations shall take place except in strict accordance with the reports as approved.

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4. The existing trees, shrubs and hedges shown on drawing(s) No(s). Arb/4862/Y/200 to be permanently retained shall not be cut down, grubbed out, lopped or uprooted. Any trees, shrubs or hedges removed or being severely damaged or becoming diseased shall be replaced with trees, shrubs or hedging plants of the equivalent size and species.
5. No part of the development shall commence until full details for the arboricultural supervision of tree protection measures and any ground works within retained tree(s) Root Protection Areas, as specified by BS5837:2012 or as shown on a Tree Protection Plan have been submitted to and approved in writing by the Local Planning Authority. The supervisory works shall be carried out in strict accordance with the details as approved.
6. No part of the development shall commence until a scheme of landscaping has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for, but not be limited to, native species tree and hedgerow planting, the planting of trees to replace any trees to be removed at a ratio of 3:1, measures to deliver a net benefit to biodiversity, a timetable for implementation and a Landscape Management Plan.
7. The landscaping scheme submitted and approved in connection with condition no. 6 shall be fully implemented in all respects within the agreed timescale and in strict accordance with the approved scheme.
8. 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

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in accordance with the additional scheme of remediation.

9. Each part of the site subject to the remediation under the scheme(s) approved as part of condition 8 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.
10. 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.
11. The development shall be carried out in strict accordance with the findings and recommendations within the following reports submitted and approved as part of this application:
 - *1) Noise Impact Assessment ref: 15147315/v00– September 2022
 - *2) Air Quality Assessment ref: AIR13239016
 No development or other operations shall take place except in strict accordance with the reports as approved.
12. The development shall be carried out in strict accordance with the findings and recommendations contained within the Ecology Assessment as carried out by TEP and dated September 2022 approved as part of this application. The mitigation and compensation measures hereby approved shall be fully implemented prior to first use of the development.
13. No development shall commence until a GCN Conservation Plan has been submitted to and approved in writing by the Local Planning Authority. The Conservation Plan shall include, but not necessarily be limited to:
 - (a) Build upon the principles outlined in the ecological report (reference Anon. (2022). Land Adjacent to H-pack. Davy Way. Llay, Wrexham, LL12 0PG. The Environment Partnership. (Unpublished Report No.: 9529.002))
 - (b) Submission of details and associated plans concerning GCN avoidance and mitigation measures including fence design, specifications and proposed locations; consideration of access issues

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across fence lines; fence monitoring and maintenance requirements; and supervised removal of barrier fences. Submission to include proposed timescales and reporting requirements

(c) Submission of further details concerning compensatory proposals including plans, extent, access, current and proposed tenure. Details shall identify areas of terrestrial and aquatic habitat to be retained, enhanced and created. Submission to include timescales and reporting requirements;

(d) Submission of a long-term site management plan (for a duration of not less than 25 years*) that includes:

- defined aims and objectives (including targets that can be used as key performance indicators for monitoring purposes);
- habitat management prescriptions for aquatic and terrestrial habitats;
- contingency prescriptions if fish and/or invasive non-native species (INNS) are detected;
- site liaison, wardening, incident reporting and response arrangements;
- detail of the skills and competencies required by those undertaking the works or activities including whether they require European Protected Species licenses for the activities proposed;
- current and proposed changes to tenure of the ecology area (tenure of the ecology area to be approved by the discharging Authority in consultation with Natural Resources Wales and be materially informed by the definition of a "responsible" body under Part 7 of the Environment Act 2021) to ensure appropriate control over the land is established and the effective targeted delivery of long-term actions; and
- provision for periodic review mechanism for the Environment Management Plan;

(e) Ecological Compliance Audits to evidence compliant implementation of all ecological avoidance, mitigation and compensation works. Including key performance indicators.

(f) Submission of measures designed to prevent the accidental capture/killing of GCN during operational (and decommissioning) phases of the scheme (i.e. post construction). This is essentially the installation and maintenance of an amphibian friendly surface water management system that does not include gully pots (or other similar features);

(g) Details of timing, phasing and duration of construction activities and conservation measures

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(h) Timetable for implementation demonstrating that works are aligned with the proposed development

(i) Persons responsible for implementing the works

(j) Post Construction Monitoring Plan

14. No part of the development shall commence until an external bat friendly lighting scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented in accordance with the approved details prior to first use / occupation of the development.
15. No development shall commence until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved statement shall be adhered to throughout the construction period in that phase. The statement shall provide for:
 - 1) the parking of vehicles of site operatives and visitors;
 - 2) loading and unloading of plant and materials;
 - 3) storage of plant and materials used in constructing the development;
 - 4) hours of working and deliveries;
 - 5) a scheme of dust management; and
 - 6) a scheme to manage the impacts of construction noise and vibration.
16. A Final Travel Plan shall be submitted to and approved in writing by the Local Planning Authority within 6 months of the first use of the development.
17. The development hereby permitted shall not be occupied until a scheme of low and zero carbon technology has been implemented in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority. Thereafter the measures installed in accordance with the scheme shall be retained.

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.

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3. To protect trees which are of significant amenity value to the area and to ensure the amenity afforded by the trees is continued into the future in accordance with Policies DM1, PS12 and NE3 of the Wrexham Local Development Plan.
4. To ensure the amenity afforded by the trees is continued into the future in accordance with Policies DM1, PS12 and NE3 of the Wrexham Local Development Plan.
5. To ensure the work is carried out to accepted arboricultural practices for the long term wellbeing of the tree(s) in accordance with Policies DM1 of NE3 of the Wrexham Local Development Plan.
6. To ensure the development delivers net benefit to biodiversity and to ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with paragraph 6.4.5 of Planning Policy Wales 12 and Policies DM1, SP12 and SP14 of the Wrexham Local Development Plan.
7. 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 and PS 12 of the Wrexham Local Development Plan.
8. In the interests of the amenities of the future occupants of the buildings in accordance with Policy DM1 of the Wrexham Local Development Plan.
9. In the interests of the amenities of the future occupants of the buildings in accordance with Policy DM1 of the Wrexham Local Development Plan.
10. To protect the amenities of the occupiers of nearby properties in accordance with Policy DM1 of the Wrexham Local Development Plan.
11. To protect the amenities of the occupiers of nearby properties in accordance with Policy DM1 of the Wrexham Local Development Plan.
12. To protect named species / habitats / biodiversity which would otherwise be damaged / lost by the development hereby permitted in accordance with Policies DM1 and SP14 of the Wrexham Local Development Plan.
13. To protect named species / habitats / biodiversity which would otherwise be damaged / lost by the development hereby permitted in accordance with Policies DM1 and NE1 of the Wrexham Unitary Development Plan.
14. To protect named species / habitats / biodiversity which would otherwise be damaged / lost by the development hereby permitted in accordance with Policies DM1 and NE1 of the Wrexham Unitary Development Plan.
15. This is a non-standard reason

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16. To support the Council's approved Integrated Transport Strategy and to reduce dependency on the motor vehicle in accordance with Policies DM1 and SP12 of the Wrexham Local Development Plan.
17. To ensure the development minimises energy use and carbon emissions in accordance with Policy RE1 of the Wrexham Local Development Plan.

Note(s) to applicant

Further advice on compliance with condition nos 8 & 9 may be obtained by contacting the Council's Contaminated Land Officer on 01978 298771 or 298333, or contaminatedland@wrexham.gov.uk

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 Council's Contaminated Land Officer prior to commencement of works on site. 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

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

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

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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.

Highways Development Control Standard Advisory Note

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;

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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

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
Chief Officer Economy and Planning

Refer to Statement of Applicant's Rights and General Information on our planning web site at:-

http://www.wrexham.gov.uk/english/planning_portal/publications/info_sheets.htm

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