

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	MS J HUGHES	Code Number	COE P/2022/0992
Agent	ROGER PARRY & PARTNERS LLP MR RICHARD CORBETT THE ESTATES OFFICE 20 SALOP ROAD OSWESTRY SHROPSHIRE SY11 2NU	Date Received	18/11/2022
		Decision Date	17/08/2023

Town and Country Planning Act, 1990

Location of application

17, RHOS BERSE ROAD, COEDPOETH, WREXHAM, LL11 3BT

Description of application

NEWID DEFNYDD O GAREJ DOMESTIG I ADEILAD GOFAL DYDD I GWN /
CHANGE OF USE OF DOMESTIC GARAGE TO DOG DAY CARE
BUILDING

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

E5	Employment in the countryside
EC1	Green Barriers
EC6	Biodiversity Conservation
GDP1	Development objectives
T8	Parking

Revision	Date	Description of Decision
0	17/08/2023	Planning permission issued

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

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Condition(s)

1. The development shall only be carried out in strict accordance with the details shown on the approved plans ref: 75860 / RJC / 001, 75860 / RJC / 003, 75860 / RJC / 102, 75860 / RJC / 103, and Section 3.0 'Proposed Scheme and Business Operations', approved document refs: Car Park Management Plan Dated February 2023 and Hepworth Acoustics Noise Impact Assessment Report No. P21-513-R02v2 Dated May 2022, Justification Statement Dated November 2022, and as contained within the application documentation.
2. 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. The building to be converted to dog day care use shall otherwise only be used for domestic purposes ancillary to the use of the dwelling known as No.17 Rhos Berse Road.
3. The use hereby permitted shall permanently cease unless the vehicular access has been widened to a minimum width of 7 metres, within 20 weeks of this decision.
4. The use hereby permitted shall permanently cease within 28 days of a failure to meet any one of the requirements set out in i) to iv) below:
 - i) Within 12 weeks of the date of this decision, a scheme to provide Net Benefit for Biodiversity (NBB) i.e. a better outcome than if the site was left undeveloped shall be submitted to, and approved in writing by, the Local Planning Authority.
 - ii) If within 20 weeks of the date of this decision the Local Planning Authority refuse to approve the details or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made, by the Welsh Ministers;
 - iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted details shall have been approved by the Welsh Ministers;
 - iv) The NBB scheme shall be fully implemented within one month of the date of approval in writing by the Local Planning Authority or, in the event of ii) and iii) above, by the Welsh Ministers, and thereafter retained in accordance with the approved details for the life of the development

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5. The use hereby permitted shall permanently cease within 28 days of a failure to meet any one of the requirements set out in i) to iv) below:
 - i) Within 12 weeks of the date of this decision, a scheme for the comprehensive and integrated drainage of the site indicating how foul water, surface water and land drainage will be dealt with shall have been submitted for the written approval of the Local Planning Authority.
 - ii) If within 20 weeks of the date of this decision the Local Planning Authority refuse to approve the details or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made, by the Welsh Ministers;
 - iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted details shall have been approved by the Welsh Ministers;
 - iv) The scheme as approved shall be implemented in accordance with a timescale to be agreed as part of the submitted details and maintained thereafter.
6. The use hereby permitted shall permanently cease within 28 days of a failure to meet any one of the requirements set out in i) to iv) below:
 - i) Within 12 weeks of the date of this decision, an external Lighting scheme shall have been submitted for the written approval of the Local Planning Authority.
 - ii) If within 20 weeks of the date of this decision the Local Planning Authority refuse to approve the details or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made, by the Welsh Ministers;
 - iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted details shall have been approved by the Welsh Ministers;
 - iv) The Lighting Scheme shall be fully implemented within one month of the date of approval in writing by the Local Planning Authority or, in the event of ii) and iii) above, by the Welsh Ministers, and operated in accordance with the approved details. No other external lighting shall be placed on any part of the site.
7. No use of the development, including the associated dog exercising / playing field, shall be made before 8.30am or after 5.30pm Monday to Friday, and at no time on Saturdays or Sundays.
8. The maximum number of dogs attending the application site, as outlined in red, shall not exceed 10no. at any one time.

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9. The use hereby permitted shall permanently cease unless the vehicular parking area is laid out in accordance with the details shown on drawing no 75860 / RJC / 003 within 12 weeks of the date of this decision. The parking area shall thereafter be permanently retained and kept free of any obstruction, and made available solely for the parking of motor vehicles at all times.
10. The use hereby permitted shall permanently cease unless the ecological enhancement measures contained within the Ecology Assessment referenced 17 Rhos Berse Road, Coedpoeth, Wrexham, prepared by Phillipa Stirling, Arbor Vitae, dated 30/03/2022, hereby approved, are provided within 12 weeks of this decision. Following the implementation of the measures they shall thereafter be permanently retained.
11. The use hereby permitted shall permanently cease unless a verge crossing to the site has been constructed in strict accordance with Highway Authority adoptable standards, within 20 weeks of this decision.
12. The use hereby permitted shall permanently cease unless the vehicular has been surfaced with hard bound materials for a minimum distance of 5 metres behind the adjoining highway, within 20 weeks of this decision.
13. The use hereby permitted shall permanently cease unless the noise mitigation measures contained within the Noise Impact Assessment referenced Proposed Dog Day care at 17 Rhos Berse Road, Coedpoeth, NOISE IMPACT ASSESSMENT Ref: P23-0050R01v2, dated January 2023, prepared by Hepworth Acoustics, hereby approved, are provided within 12 weeks of this decision. Following the implementation of the measures they shall thereafter be permanently retained.
14. No animal waste shall be disposed of directly or indirectly to the public sewerage system.
15. 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.

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Reason(s)

1. To comply with section 71ZA (2) of the Town and Country Planning Act 1990.
2. To protect the living conditions of the occupiers of adjoining properties in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
3. To ensure that adequate visibility is provided at the proposed point of access to the highway in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
4. To ensure the development delivers net benefit to biodiversity in accordance with paragraph 6.4.5 of Planning Policy Wales 11.
5. To ensure that effective drainage facilities are provided for the proposed development, and that no adverse impact occurs to the environment or the existing public sewerage system in accordance with Policies GDP1 and EC13 of the Wrexham Unitary Development Plan.
6. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies GDP1 and PS2 of the Wrexham Unitary Development Plan.
7. To protect the living conditions of the occupiers of adjoining properties in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
8. To protect the living conditions of the occupiers of adjoining properties in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
9. To provide for the parking of vehicles clear of the highway in accordance with Policy GDP1 of the Wrexham Unitary Development Plan
10. To protect named species / habitats / biodiversity which would otherwise be damaged / lost by the development hereby permitted in accordance with Policies GDP1 and EC6 of the Wrexham Unitary Development Plan.
11. In the interests of highway safety in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
12. To ensure that no deleterious material is carried onto the highway, in the interests of highway safety in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.

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13. To protect the amenities of the occupiers of nearby properties in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
14. To prevent pollution of the water environment in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
15. To protect the amenities of the occupiers of nearby properties in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.

Note(s) to applicant

You are advised that this permission does not in itself authorise the carrying out of the alterations to the boundary wall hereby permitted until the necessary Listed Building Consent has been obtained. Your concurrent application for Listed Building Consent has now been forwarded to the Welsh Government for determination.

A licence must be obtained (as required by section 184 of the Highways Act 1980) from the Highway Authority in order to cross the highway verge in connection with condition no. 11. Further guidance can be obtained from the Highway Authority of Wrexham County Borough Council on telephone 01978 729670.

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.

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.



David Fitzsimon
Prif Swyddog Yr Economi a Chynllunio
Chief Officer Economy and Planning

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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