

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	NORTHHOLD GROUP	Code Number	WRO P/2022/0673
Agent	EDGEPLAN LTD STEVE EDGEELLER 7 CHARLOTTE STREET MANCHESTER M1 4DZ	Date Received	20/07/2022
		Decision Date	09/01/2023

Town and Country Planning Act, 1990

Location of application

38, PENYBRYN, WREXHAM. LL13 7HY

Description of application

DYMCHWEL CWT AC ADEILADU ESTYNIAD AC ARDAL BLANHIGION /
DEMOLITION OF OUTBUILDING AND ERECTION OF EXTENSION AND
PLANT AREA

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

GDP1	Development objectives
PS1	Settlement limits
S5	District shopping centres
T8	Parking

Revision	Date	Description of Decision
0	09/01/2023	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 and amended drawing(s) numbered or labelled as follows:
 - (PL)001 REV C Date: 11.12.20
 - (PL)002 REV B Date: 17.12.20
 - Bat Tree Assessment and Presence/Absence Survey by United Environmental Services Ltd Date: 18th July 2022
 - Tree Protection Plan Phase 1 TPP1, Drawing Number NWTC.22.11.2 Date: 27/10/22
 - Tree Protection Plan Phase 2 TPP2, Drawing Number NWTC.22.11.3 Date 27/10/22
 - Arboricultural Impact assessment prepared by Peter Gardner, Ref: NWTC.22.11 Date: 28/11/22
 - Tree Constraints Plan TCP, Drawing Number NWTC.22.11.1 Date: 27/10/22
 - Protection Plan PP, Drawing Number NWTC.22.11.4 Date: 27/10/22 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 Method Statement ref no: Section 7/AIA/NWTC/22/11 No development or other operations shall take place except in strict accordance with the report as approved.
4. 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.
5. The landscaping scheme approved as part of this application shall be fully implemented in strict accordance with approved drawing no. NWTC/22/11/4 within three months of 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.
6. 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 Method for rating and assessing industrial and commercial sound.

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7. No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the disposal of foul, surface and land water and include an assessment of the potential to dispose of surface and land water by sustainable means. The scheme shall thereafter be implemented in accordance with the approved details prior to the first use of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.
8. No use of the development, to include the receipt of deliveries shall be made before 07:00 or after 22:00 hours on any day.
9. No part of the development shall commence until samples of all external facing materials have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in strict accordance with such details as are approved.
10. The development hereby permitted shall be for uses ancillary to the main retail premises at 38 Pen Y Bryn only and for no other purpose.
11. Prior to the first use of the development hereby granted planning permission, the vehicular access onto Penybryn shall provide visibility splays of 2.4 metres x 33 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.
12. Prior to the first use of the development hereby granted planning permission, the vehicular access on to Tenter's Square shall provide visibility splays of 2.4 metres x 18 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.
13. Prior to the first use of the development hereby granted planning permission the vehicular parking and turning areas as shown on approved drawing no. (PL)001 REV C Dated: 11.12.2020 shall be fully laid out, surfaced and drained. These areas shall thereafter be permanently retained and kept free of any obstruction, and made available solely for the parking and turning of vehicles at all times.
14. The development shall be carried out strictly in accordance with the Delivery and Parking Management Plan reference ADL/AM/4573/22A dated January 2021 and approved on 10 January 2022 under reference P/2021/0092.

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15. All demolition and construction works shall only be carried out between 7:30 and 18:00 hours Monday to Friday and 8:00 to 14:00 hours on a Saturday and at no time on a Sunday or Bank Holiday.

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 protect trees which are of significant amenity value to the area in accordance with Policies GDP1, PS2 and EC4 of the Wrexham Unitary Development Plan.
4. To ensure the work is carried out to accepted arboricultural practices for the long term wellbeing of the tree(s) in accordance with Policies GDP1, PS2 and EC4 of the Wrexham Unitary Development Plan.
5. 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.
6. To protect the amenities of the occupiers of nearby properties in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
7. To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.
8. To protect the amenities of the occupiers of nearby properties in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
9. 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.
10. In the interests of the amenity of nearby residential properties and in the interests of highways safety, in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
11. 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.
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13. To provide for the loading, unloading, 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 GDP1 and T8 of the Wrexham Unitary Development Plan.
14. In the interests of highway safety 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

The Applicant is advised that under the Environmental Protection Act 1990, 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 Planning and Regulatory Department on 01978 292040 for further advice and information.

All works relating to this development which are audible beyond the site boundary should be carried out only between 7.30 and 18.00 hrs Monday to Friday, and 08.00 to 14.00 hrs 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.

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The applicant must adhere to the times given above wherever possible. If however there are urgent or unavoidable circumstances requiring works outside of the specified times, permission to proceed may be sought by contacting the Council's Environmental Health and Housing Standards at: healthandhousing@wrexham.gov.uk or on 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 Planning and Regulatory Department on 01978 292040 for further advice and information.

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



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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