

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 A ROWLANDS	Code Number	ROS P/2021/0874
Agent	CADNANT E CARPENTER 20 CONNAUGHT HOUSE RIVERSIDE BUSINESS PARK BENARTH ROAD CONWY LL32 8UB	Date Received	02/09/2021
		Decision Date	07/11/2022

Town and Country Planning Act, 1990

Location of application

THE OLD POST OFFICE, STATION ROAD, ROSSETT, WREXHAM,
LL12 0HE

Description of application

NEWID DEFNYDD LLAWR GWAELOD SIOP (DOSBARTH A1) A LLAWR GWAELOD ANNEDD CYSYLLTIOL A GARDD GEFN (DOSBARTH C3) I FWYTY / SIOP GOFFI (DOSBARTH A3), A NEWIDIADAU MEWNOL I'R UNED BRESWYL BRESENNOL AR Y LLAWR CYNTAF / CHANGE OF USE OF A GROUND FLOOR SHOP (CLASS A1) AND GROUND FLOOR OF ASSOCIATED DWELLING AND REAR GARDEN (CLASS C3) TO A RESTAURANT / COFFEE SHOP (CLASS A3), AND INTERNAL ALTERATIONS TO THE EXISTING RESIDENTIAL USE ON THE FIRST FLOOR

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

EC12	Development and flood risk
EC6	Biodiversity Conservation
EC7	Conservation Areas
GDP2	Capacity of infrastructure and community facilities
PS1	Settlement limits
PS2	Development and the environment
PS3	Brownfield Land
PS4	Settlement Pattern
T8	Parking

Revision	Date	DESCRIPTION OF DECISION
0	07/11/2022	PLANNING PERMISSION ISSUED

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1		P/2023/0740 - DISCHARGE OF CONDITION 6 (VENTILATION) OF PLANNING PERMISSION P/2021/0874
2		P/2023/0743 - DISCHARGE OF 5 (NOISE) AND 11 (SERVICE DELIVERY MANAGEMENT PLAN) OF PLANNING PERMISSION P/2021/0874

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.
2. The development shall only be carried out in strict accordance with the details shown on the approved drawing(s) numbered 893/6 Rev D and 893/5 Rev D, and as contained within the application documentation.
3. Prior to their use on the development samples of all external facing and roofing materials shall be 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.
4. No use of the development shall be made before 0800 or after 2200 hours on any day.
5. No part of the development shall commence until a scheme of noise insulation and attenuation measures between the ground floor and first floor residential accommodation (in compliance with Building regulations guidance: part E - resistance to the passage of sound) has been submitted to and approved in writing by the Local Planning Authority. The measures as are approved shall be fully implemented in strict accordance with the scheme prior to first occupation / use of the development and shall thereafter be retained as such.

Approved on: 23/11/2023 **Reference Number:** P/2023/0743

By: Wrexham County Borough Council

Approved Report Ref: Document E Sound Insulation Advice, by Peninsular Acoustics, Dated 17 January 2023

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6. No part of the development shall commence until details of the means of ventilation for the extraction and dispersal of cooking smells, including details of its method of construction, odour control measures, its appearance and finish have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented prior to first use of the development and shall thereafter be permanently retained in an effective condition.

Approved on: 23/11/2023 **Reference Number:** P/2023/0740

By: Wrexham County Borough Council

Approved Plan Refs:

- Proposed Ground and First Floor A1.0 Dated 29/06/2023
- Existing and Proposed Sections Dated 29/06/2023
- Proposed Front and Rear Elevation Dated 29/06/2023

Approved Report Refs:

- 4UsElectric Ltd, Old Post Office (Spar) Store, Station Road, LL120HE Rossett - Ventilation Design, Odour Control and Noise Calculations.
- Nuaire High Temperature Axial Range
- Elta Fans Flanged Silencer 068-FS-03-2008 Issue A
- Airclean Activated Carbon Filters – Panels – Oil and gas Remover Ref 10/19

Approved Finish:

- External Flue on Rear Elevation to receive a Black Colour Powder Coated Finish, no later than by 29/02/2024.

7. The rating level of any noise generated by air handling plant associated with the 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.

8. Prior to first use of the development a suitable grease trap shall be provided in order to prevent entry into the public sewerage system of matter (cooking fats, oils and grease etc.) likely to interfere with the free flow of the sewer contents, or which would prejudicially affect the treatment and disposal of such contents.

9. No surface water from any increase in the roof area of the building / or impermeable surfaces within its curtilage shall be allowed to drain directly or indirectly to the public sewerage system.

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10. The development hereby approved shall not be used for any purpose within the Town and Country Planning (Use Classes) Order 1987 (or any statutory instrument revoking and re-enacting that Order with or without amendment), other than as a restaurant / cafe. For the avoidance of doubt, no food or drink shall be sold for consumption off the premises.

11. No part of the development shall commence until a Service Delivery Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The premises shall operate at all times in strict accordance with the Plan as is approved.

Approved on: 23/11/2023 **Reference Number:** P/2023/0743

By: Wrexham County Borough Council

Approved Report Ref: Service Management Delivery Plan, Fouzi's Station Road, Rossett LL12 0HE, Rev 0

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 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.
4. To ensure that the restaurant is not used at a time which would be likely to cause nuisance or disturbance to nearby residents in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
5. To protect the amenities of the occupiers of nearby properties in accordance with Policy GDP1 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 protect the amenities of the occupiers of nearby properties in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
8. To prevent pollution of the water environment in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.

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9. 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 Policies GDP1 and EC13 of the Wrexham Unitary Development Plan.

10. To protect the amenities of the occupiers of nearby properties in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.

11. To protect the amenities of the occupiers of nearby properties and In the interests of highway safety, in accordance with Policies GDP1 and T8 of the Wrexham Unitary Development Plan.

Note(s) to applicant

You are advised that the premises should comply with the relevant Food Hygiene Legislation, and you are advised to contact the Council's Environmental Health & Housing Standards Team on 01978 292040 for further advice and information.

Guidance on best management practice for catering outlet for the dispersal of fats, oils, grease and food waste, as issued by Water UK is available by contacting the Council's Environmental Health & Housing Standards Team on 01978 292040 for further advice and information

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 01978 292040 for further advice and information.

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Lighting has the potential for classification as a statutory nuisance under the Environment Protection Act 1990. If lighting is found to be causing a nuisance than an Abatement Notice may be served, and the applicant is advised to consider this when designing the installation of any lighting.

You are advised that building work which involves work on an existing wall shared with another property, building on the boundary with a neighbouring property, or excavating near a neighbouring building may require the separate consent of the neighbour under the provisions of the Party Wall Act. If you require further information or advice please contact the Building Control Section on 01978 298884.

The permission hereby granted does not authorise encroachment upon, or interference with, the adjoining property.

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.

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 Environmental Health & Housing Standards Team on 01978 292040 for further advice and information.

In areas at risk of flooding such as this, NRW recommend that consideration be given to the incorporation of flood resistance/resilience measures into the design and construction of the development. These could include flood barriers on ground floor doors, windows and access points, implementation of suitable flood proofing measures to the internal fabric of the ground floor and locating electrical sockets/components at a higher level above possible flood levels. Please refer the applicant to NRW's website (Natural Resources Wales / How to prepare your home, business or farm for a flood) for further advice and guidance. Additional guidance including the leaflet ""Prepare your Property for flooding"" can be found here. The developer can also access advice and information on protection from flooding from the ODPM publication 'Preparing for Floods: Interim Guidance for Improving the Flood Resistance of Domestic and Small Business Properties', can be found here.

The River Alyn (main river) and its flood defences run to the rear of the property. Please note that any works in, under or over the river or within 8 metres of the landward toe of the flood defence will require approval from Natural Resources Wales under the Environmental Permitting (England and Wales) Regulations, 2016. Further information and guidance is available on NRW's website at: Natural Resources Wales / Environmental permits for flood risk activities.

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During the construction phase you should take any precaution to prevent contamination of surface water drains and local watercourses. Oils and chemicals should be stored in bunded areas and spill kits should be readily available in case of accidental spillages. For further guidance please refer to GPP 5 and PPG 6 at the following link:

<http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-pgps-and-replacement-series/guidance-for-pollution-prevention-gpps-full-list/>

The applicant may 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 now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication ""Sewers for Adoption""•] 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they 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 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.



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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