

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	R & R PROPERTIES	Code Number	ISY P/2020/0679
Agent	DPA LTD MR GARETH EDWARDS SALOP HOUSE 13 SALOP ROAD OSWESTRY SY11 2NR	Date Received	21/10/2020
		Decision Date	24/09/2021

Town and Country Planning Act, 1990

Location of application

R&R ENGINEERING, OAK ROAD, WREXHAM INDUSTRIAL ESTATE,
WREXHAM, LL13 9RG

Description of application

CODI UNEDAU DIWYDIANNOL (DEFNYDD B2) / ERECTION OF
INDUSTRIAL UNITS (B2 USE)

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

EC13	Surface water run-off
EC6	Biodiversity Conservation
GDP1	Development objectives
PS2	Development and the environment
T8	Parking
T9	Walking, cycling and horse riding routes

Revision	Date	Description of Decision
0	24/09/2021	PLANNING PERMISSION ISSUED
1	08/12/2022	P/2022/0049 - DISCHARGE OF CONDITIONS 4 (CONTAMINATION), 6 (DRAINAGE), 8 (ECOLOGY), 15 (CONSTRUCTION TRAFFIC MANAGEMENT PLAN), 16 AND 21 (HIGHWAYS) AND 22 (SERVICE DELIVERY MANAGEMENT PLAN) OF PLANNING PERMISSION P/2020/0679

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**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:
P-02 Rev B,
P-04 Rev B,
P-10 Rev B,
RRN-BML-ERD-ZZ-DR-C-0100 Rev P02,
RRN-BML-XX-XX-DR-C-0101 Rev P03,
RRN-BML-ERD-ZZ-DR-C-0102 Rev P02,
RRN-BML-ERD-ZZ-DR-C-0500 Rev P02,
RRN-BML-ERD-ZZ-DR-C-0502 Rev P02,
RRN-BML-ERD-ZZ-DR-C-0503 Rev P02, and as contained within the application documentation.
3. No facing or roofing materials shall be used other than those detailed on the application form and within the approved application documentation.
4. 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 in accordance with the additional scheme of remediation.

Approved on: 08/12/2022 **Reference Number:** P/2022/0049

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5. Each part of the site subject to the remediation under the scheme(s) approved as part of condition no. 4 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.

6. No development shall commence until a foul water 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 water flows and thereafter implemented in accordance with the approved details prior to the occupation of the development.

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7. The rating level of any noise generated by reason of this development, to include air handling plant, 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.

8. No part of the development shall commence until a Conservation Plan has been submitted to and approved in writing by, the Local Planning Authority. The Conservation Plan should build upon the principles outlined in the ecological report (Jones, B.; 2020; Ecological Appraisal: Land North of Oak Road, Wrexham Industrial Estate, Wrexham, LL13 9RG; Greenspace Environmental Ltd.; Unpublished) and should include, but not necessarily be limited to:

- * details of timing, phasing and duration of construction activities and conservation measures;
- * timetable for implementation and demonstrating that works are aligned with the proposed phasing of the development;
- * Ecological Compliance Audit, including defined key performance indicators;
- * persons responsible for implementing the works;
- * post-construction monitoring; and
- * biosecurity measures.

The development shall be carried out in strict accordance details as may be approved, and all biosecurity, mitigation and compensation measures be fully implemented prior to first use of the development.

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9. The development shall be carried out in strict accordance with the findings and recommendations contained within the Ecology Assessments:

* Mitigation (Working Method Statement); Block Plan Showing Ecology Mitigation; Design and Planning Associates Ltd. [drawing no. P-04/B], and
* Jones, B.; 2020; Ecological Appraisal: Land North of Oak Road, Wrexham Industrial Estate, Wrexham, LL13 9RG; Greenspace Environmental Ltd.; Unpublished, approved as part of this application. The mitigation and compensation measures hereby approved shall be fully implemented prior to first use of the development.

10. Prior to first use of the development the site shall be laid out in strict accordance with site layout plan reference RRN-BML-XX-XX-DR-C-0101 Rev P03, approved as part of this application.

11. Prior to first use of the development hereby approved the westerly vehicular access shall provide visibility splays of 2.4 metres x 120 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 carriageway. The splays shall thereafter be permanently retained clear of any such obstruction to visibility.

12. Prior to first use of the development hereby approved the easterly vehicular access shall provide visibility splays of 2.4 metres x 120 metres to the east and 2.4 metres x 78 metres to the west 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 adjoining highway. The splays shall thereafter be permanently retained clear of any such obstruction to visibility.

13. Prior to first use of the vehicular accesses hereby approved, both accesses shall be surfaced with hard bound materials (e.g. bituminous macadam) for a minimum distance of 5 metres behind the adjoining highway.

14. There shall be no gates or other means of enclosure across the vehicular access point within 5 metres of the highway boundary.

15. No part of the development shall commence until a Construction Traffic Management Plan including provisions for contractor parking has been submitted to and approved in writing by the Local Planning Authority and the Plan as is approved has been fully implemented.

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16. No part of the development shall commence until a scheme detailing the construction of the following has been submitted to, and approved in writing by, the Local Planning Authority:

- 1) Detailed layout, design, drainage and construction of the proposed new accesses / footway,
- 2) Erection of timber railings / fencing (lockable).

The scheme as is approved shall be fully implemented prior to first use of the development.

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17. 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 plans and documents.

18. The vehicular parking and turning areas as shown on approved drawing ref: P-02 Rev B shall be fully laid out, surfaced and drained prior to first use of the development. These areas shall thereafter be permanently retained and kept free of any obstruction, and made available solely for the parking and turning of motor vehicles at all times.

19. The hard and soft landscaping works approved as part of this application shall be fully implemented in strict accordance with approved drawing nos. RRN-BML-ERD-ZZ-DR-C-0500 Rev P02, RRN-BML-ERD-ZZ-DR-C-0502 Rev P02 and RRN-BML-ERD-ZZ-DR-C-0503 Rev P02, 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.

20. Prior to first use/ occupation, the timber railings shall be installed in strict accordance with the details shown on plan ref: RRN-BML-ERD-XX-XX-C-0101 Rev P03 approved as part of this application, and shall be set back behind the back of footway edging by 250 mm.

21. No part of the development shall commence until confirmation that a Traffic Regulation Order (TRO) providing the double yellow lines, as shown on plan ref: RRN-BML-XX-XX-DR-C-0101 Rev P03 approved as part of this application, is in force, has been submitted to and approved in writing by the Local Planning Authority.

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22. 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 Plan as is approved shall be implemented for the life of the development.

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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. In the interests of the amenities of the future occupants of the buildings in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
5. In the interests of the amenities of the future occupants of the buildings in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
6. 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.
7. To protect the amenities of the occupiers of nearby properties in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
8. 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.
9. 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.
10. In the interests of highway 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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12. 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.
13. 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.
14. In the interest of the free and safe movement of traffic on the adjacent highway and to ensure the formation of a safe and satisfactory access in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
15. In the interests of highway safety in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
16. In the interests of highway safety in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
17. In the interests of highway safety in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
18. To provide for the 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
19. 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.
20. In the interests of highway safety in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
21. In the interests of highway safety in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
22. In the interests of highway safety in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.

Note(s) to applicant

Further advice on compliance with condition nos. 4 and 5 may be obtained by contacting the Council's Environmental Protection Team on 01978 298989 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 Housing and Public Protection Department prior to commencement of works on site.

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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 is subject to Schedule 3 of the Flood and Water Management Act 2010. The development therefore requires approval of Sustainable Drainage Systems (SuDS) features, in accordance with the 'Statutory standards for sustainable drainage systems - designing, constructing, operating and maintaining surface water drainage systems'. It is therefore recommended that the developer engage in consultation with Wrexham County Borough Council, as the determining SuDS Approval Body (SAB), in relation to their proposals for SuDS features.

Please note, Dwr Cymru Welsh Water is a statutory consultee to the SAB application process and will provide comments to any SuDS proposals by response to SAB consultation. 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 Dwr Cymru / Welsh Water 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.

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In order to assist 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.

If the development will give rise to a new discharge (or alter an existing discharge) of trade effluent, directly or indirectly to the public sewerage system, then a Discharge Consent under Section 118 of the Water Industry Act 1991 is required from Dwr Cymru / Welsh Water. Please note that the issuing of a Discharge Consent is independent of the planning process and a consent may be refused although planning permission is granted.

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.

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 Environmental Health and Housing Standards at: heathandhousng@wrexham.gov.uk or 01978 292040. Please use the same contact details for any other enquiries regarding construction / demolition site noise.

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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 & Regulatory Department on 01978 292040 for further advice and information.

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 & Regulatory Department on 01978 292040 for further advice and information.

NRW advise that the works may be carried out without a licence provided that all works immediately stop in the event of one or more GCN being found. Works may only then resume on receipt of the appropriate licence issued by NRW under Reg 55 (2) 9 e) of the Conservation of Habitats and Species Regulations 2017 (as amended).

All works at the site must be carried out in accordance with PPG6: 'Working at construction and demolition sites' which are available on the following website:

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

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The activity of importing waste into the site for use as, for example hardcore, must be registered with Natural Resources Wales as an exempt/permittable activity under the Environmental Permitting Regulations 2016. The developer should contact Natural Resources Wales to discuss the necessity for an exemption/permit for any material imported to and exported from the site.

If during construction/excavation works any contaminated material is revealed, then the movement of such material either on or off site should be done in consultation with Natural Resources Wales. Any waste excavation material or building waste generated in the course of the development must be disposed of satisfactorily and in accordance with Section 34 of the Environmental Protection Act 1990. Carriers transporting waste from the site must be registered waste carriers and movement of any Hazardous Waste from the site must be accompanied by Hazardous waste consignment notes.

This planning permission requires that development be carried out in accordance with the approved plans, including the construction of an estate road intended for adoption by the Council under the Highways Act 1980. It is essential therefore that the detailed proposals are submitted to the Highway Authority and confirmed as acceptable BEFORE development commences. Please contact the Highway Authority on telephone no. 01978 729690 for further guidance.

The written consent of the Highway Authority (as required by section 38 of the Highways Act 1980) must be obtained before any work is carried out on private land that is intended for adoption by the Highway Authority in connection with condition no. 16. All works shall be constructed to a safe and usable condition and completed to an adoptable standard. Further guidance can be obtained from the Highway Authority of Wrexham County Borough Council.



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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