

**Town and Country Planning Act 1990 (as amended)**

**Appeal by Marston's Estates Ltd**

**Land adjacent to the Red Lion Public House at Marford Hill, Marford, Wrexham,  
LL12 8SL**

**Appeal Reference Number: APP/H6955/A/13/2209711**

**Statement of Case on behalf of the Appellant**

**Eversheds LLP  
Bridgwater Place  
Water Lane  
Leeds  
LS11 5DR**

## **1. Introduction**

- 1.1 This Statement of Case has been prepared by Eversheds LLP, Solicitors of Bridgewater Place, Water Lane, Leeds, LS11 5DR on behalf of Marston's Estates Ltd ("the Appellant") in relation to an application for planning permission for the erection of a retail unit and associated works ("the proposed development").
- 1.2 The site of the proposed development is on land adjacent to the Red Lion Public House at Marford Hill, Marford, Wrexham, LL12 8SL ("the appeal site").

## **2. The Proposed Development**

- 2.1 The proposed development would provide a retail unit of 382m<sup>2</sup>, supplying a range of convenience goods to the community.
- 2.2 The appeal site is currently occupied by the Red Lion Public House and car park (40 car parking spaces) together with associated garden areas. It is bounded by a mixture of timber fencing to the south, trees and shrubbery to the south and west boundaries and highway to the north along Marford Hill.
- 2.3 The appeal site is situated to the north of the public house in the car park with shared access and parking arrangements. The B5445 Chester Road lies to the north of the site, which is the main route through Marford. Residential properties sit beyond Chester Road. To the east of the appeal site there is an area of mature screening vegetation and to the south of the appeal site there is an area of screening vegetation with residential properties beyond.
- 2.4 As identified in paragraph 2.3 above, the area surrounding the site is characterised by two main uses; residential and amenity space.

## **3. Procedural Background**

- 3.1 The planning application was submitted to Wrexham County Borough Council ("the Council") by the Agent, Philip S Ryley & Co LLP, on behalf of the Appellant on 15 November 2012. The application comprised:
  - 3.1.1 a completed planning application form;
  - 3.1.2 Planning Statement;
  - 3.1.3 Design and Access Statement;
  - 3.1.4 Noise Assessment;
  - 3.1.5 Arboricultural Impact Assessment;
  - 3.1.6 Tree Survey;
  - 3.1.7 Transport Statement;
  - 3.1.8 Service and Delivery Management Plan;

- 3.1.9 Supporting Evidence for the Delivery Management Plan;
- 3.1.10 Photomontage; and
- 3.1.11 drawings as follows:
  - 3.1.11.1 Site Location Plan – drawing number 3405-P00;
  - 3.1.11.2 Site Layout Plan – drawing number 3405-P01;
  - 3.1.11.3 Ground Floor General Arrangement – drawing number 3405-P02;
  - 3.1.11.4 North and West Elevations – drawing number 3405-P03;
  - 3.1.11.5 South and East Elevations – drawing number 3405-P04;
  - 3.1.11.6 Site Section – drawing number 3405-P05;
  - 3.1.11.7 Roof General Arrangement – drawing number 3405-P06;
  - 3.1.11.8 Fences and Gates – drawing number 3405-P08;
  - 3.1.11.9 Car Park Lighting – drawing number P9306\_332; and
  - 3.1.11.10 Topographical Survey 2D – drawing number 12523-123\_2DT(1).
- 3.2 This application was validated by the Council on 5 December 2012 and allocated reference P/2012/0830.
- 3.3 On 22 January 2013 the Council forwarded comments to the Appellant from the Network and Infrastructure Manager in relation to highways matters. The Appellant responded on 15 February 2013 to those comments and submitted a number of documents in support, including:
  - 3.3.1 Revised Site Layout Plan – drawing number 3405-P01 Rev C;
  - 3.3.2 Revised Ground Floor General Arrangement – drawing number 3405-P02 Rev B;
  - 3.3.3 Revised Fences and Gates – drawing number 3405-P08 Rev A;
  - 3.3.4 Delivery and Refuse Strategy – drawing number 3405-P09 Rev C;
  - 3.3.5 Transport Statement dated 7 February 2013; and
  - 3.3.6 Service and Delivery Management Plan dated 11 February 2013.
- 3.4 Following discussions with the Council's Officers, on 16 April 2013 the Appellant submitted a further revised drawing entitled 'Delivery and Refuse Strategy' (drawing number 3405-P09 Rev E).

- 3.5 The Appellant submitted an additional drawing entitled 'Delivery and Refuse Strategy Alternative Access' (drawing number 3405-P10 Rev A) on 16 April 2013.
- 3.6 Following a query from the Council's Officer, the drawing submitted by the Appellant on 16 April 2013 was amended and submitted again on 17 April 2013 as Revision B.
- 3.7 Shortly after receipt of these drawings, the Council wrote to the Appellant with outstanding highways queries. To address these queries the Appellant submitted additional drawings relating to a one way system on 2 May 2013, including:
- 3.7.1 Delivery and Refuse Strategy HGV Approach from South-West Option 1 – drawing number 3405-P11 Rev B; and
  - 3.7.2 Delivery and Refuse Strategy HGV Approach from North-East Option 1 – drawing number 3405-P12 Rev B.
- 3.8 The Council's Network and Infrastructure Manager provided further comments in an e-mail dated 14 May 2013, to which the Appellant responded on 16 May 2013 enclosing additional documentation including:
- 3.8.1 Revised Site Layout Plan – drawing number 3405-P01 Rev E;
  - 3.8.2 Design and Access Statement dated May 2013;
  - 3.8.3 Transport Statement dated 14 May 2013; and
  - 3.8.4 Service and Delivery Management Plan dated 14 May 2013.
- 3.9 On 17 May 2013 the Appellant submitted final versions of the Service and Delivery Management Plan and Transport Statement to the Council, which included revised Site Layout Plans in the appendices showing markings for the one way system.
- 3.10 The Council's Head of Community Wellbeing and Development prepared a report to the Planning Committee in advance of the Committee Meeting. Following receipt of further representations an addendum to the Report to the Planning Committee was prepared, although this did not affect the Planning Officer's recommendation. The planning application for the proposed development was considered by the Council's Planning Committee on 3 June 2013.
- 3.11 The professional Head of Community Wellbeing and Development of the Council recommended that the application be approved. Notwithstanding this recommendation, the Planning Committee resolved to refuse planning permission for the proposed development and the Council formalised this position by way of its decision notice dated 3 June 2013. The Reasons for Refusal are cited as follows:

*"1. The proposed development would result in operational difficulties for delivery vehicles servicing the site. In particular, the ability of delivery vehicles to manoeuvre safely into, within, and out of the site, which would*

*compromise highway safety in the area. There is also a significant risk of vehicle conflict with other road users, most notably with the Woodlands Road junction opposite. The submitted delivery management plan also fails to demonstrate how the use of the car park would be managed to ensure deliveries can take place without conflicting with proposed car parking arrangements. To allow the proposed development would result in detrimental impact on highway safety contrary to Policy GDP1d) of the adopted Wrexham Unitary Development Plan.*

*2. The proposed development fails to provide adequate parking to meet the needs of both the existing public house and the proposed retail use, resulting in a significant shortfall in parking standards as set out in Local Planning Guidance Note No. 16: Parking. This shortfall of parking will result in an overspill of parking on surrounding streets, and potential for customers to park illegally across the site frontage. To allow the development would be contrary to the Council's adopted parking standards, and Policy T8 of the Wrexham Unitary Development Plan.*

*3. The proposed development is likely to result in a significant increase in noise and disturbance to the detriment of existing residential amenity. The Council considers that the proposed noise mitigation measures are inadequate given the nature of the use, and its proximity and relationship to neighbouring residential development at the rear of the site. To allow the development would therefore be contrary to Policy GDP1 f) of the adopted Wrexham Unitary Development Plan.*

*4. The proposed design of the retail store creates a discordant and incongruous feature within the existing street scene. It does not relate well to site context and will have an adverse effect upon the overall character and visual amenities of the area. The proposal does not make a positive contribution to the appearance of the nearby locality, and consequently to allow this proposal would be contrary to Policy PS2 and GDP1 a) of the Wrexham Unitary Development Plan.”*

- 3.12 The Appellant submitted an appeal in respect of the Council’s refusal on 29 November 2013. The appeal will be determined by way of a local public inquiry, to sit for 3 days.

#### **4. Witness Evidence**

- 4.1 At the forthcoming inquiry, the Appellant intends to call witness evidence to deal with the following subject areas:

- Highways;
- Noise; and
- Design.

- 4.2 Depending on the position adopted by the Council or interested third parties (whether Rule 6 parties or otherwise), the Appellant reserves the right to call witness evidence on the following topics (which may be expanded upon):

- Retail Impact; and
- Ecology.

## 5. **Adopted Development Plan**

5.1 For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the starting point for determination of this appeal is the adopted development plan for the Council. The adopted development plan for Wrexham County Borough Council is made up of:

- policies of the Wrexham Unitary Development Plan 1996 – 2011 (adopted February 2005).

5.2 The most relevant policies in the Wrexham Unitary Development Plan (“the UDP”) for the consideration of the proposed development are considered to be as follows:

- Strategic Policy PS1: The Broad Location of Development
- Strategic Policy PS2: The Broad Location of Development
- Strategic Policy PS3: The Broad Location of Development
- Strategic Policy PS4: The Broad Location of Development
- Strategic Policy PS7: The Broad Location of Development
- Policy GDP1: Development Objectives
- Policy EC4: Hedgerows, Trees and Woodlands
- Policy S6: Local Need Shopping
- Policy T8: Parking

## 6. **Other Material Considerations**

### **National Planning Policy**

6.1 The following elements of national policy are material considerations which are relevant to the determination of the appeal:

- Planning Policy Wales (November 2012);
- The Wales Spatial Plan (2008 Update);
- TAN 11: Noise (1997);
- TAN 12: Design (2009); and
- TAN 18: Transport (2007).

- 6.2 Planning Policy Wales ("PPW") supports the legislative requirement for a presumption in favour of sustainable development. Figure 4.2 reinforces the legislative requirement with regard to planning authorities' function for both plan-making and decision-making. Section 4.3 of the PPW sets out the principles underpinning the approach to be taken, which includes "taking a long term perspective to safeguard the interests of future generations, whilst at the same time meeting needs of people today". Section 4.4 of the PPW goes on to set out the main objectives, including promoting access to shopping and avoiding placing "unnecessary burdens on enterprises . . . so as to enhance the economic success of both urban and rural areas, helping businesses to maximise their competitiveness".
- 6.3 The PPW identifies that where the development plan is silent, absent or relevant policies are out-of-date, permission should be granted unless any adverse effects of doing so would significantly and demonstrably outweigh the key principles or key policy objectives.
- 6.4 The appeal site is located within north east Wales and is identified as being in a hub within the Wales Spatial Plan. Paragraph 16.2 of the Wales Spatial Plan identifies that "key elements in realising the vision for North East Wales are: Strengthening key hubs as a focus for investment in future employment, housing, retail, leisure and services".
- 6.5 The Appellant will say that the full weight of the presumption in favour of sustainable development as articulated in section 4 of the PPW should apply in this case.

### **Emerging Local Development Framework**

- 6.6 The Council is currently preparing a Local Development Plan 2 which, once adopted, will replace the UDP. The emerging Local Development Plan 2 2013 – 2028 is in the early stages of preparation. The Council's current timetable anticipates adoption of the Local Development Plan 2 in December 2016.
- 6.7 The policies of the emerging development plan (where relevant), and the weight to be attributed to them, will be addressed in evidence.

### **Other Documents**

- 6.8 The UDP is supported by Local Planning Guidance Notes. The notes relevant to the proposed developments include:
- 6.8.1 LPG6: Access to and Use of Buildings
  - 6.8.2 LPG7: Landscape and Development
  - 6.8.3 LPG12: Shopfront Design and Security
  - 6.8.4 LPG16: Parking Standards
  - 6.8.5 LPG21: Space Around Dwellings

- 6.9 The weight to be attributed to the Local Planning Guidance Notes will be addressed in evidence.

## **7. Policy Summary and Conclusions**

- 7.1 All relevant aspects of national planning policy, as referred to above will be addressed in evidence.
- 7.2 In terms of the adopted Development Plan, the Appellant will address the degree of consistency of any relevant saved policies with the PPW and the weight that can therefore be accorded to them.
- 7.3 The relevant policies of the emerging plan, and the weight to be attributed to them, will be addressed in evidence.
- 7.4 The weight to be attributed to the Local Planning Guidance Notes will be addressed in evidence.

## **8. Principal Issues**

- 8.1 Whilst the Appellant does not agree with the decision of the Council, the Reasons for Refusal are specific. Given the specificity of the wording of the Reasons for Refusal, the Appellant is entitled to assume that all of the grounds of objection to the proposed development are included within them and will prepare its witness evidence accordingly.

### Reason for Refusal 1

- 8.2 The Council's first Reason for Refusal states that:

*"The proposed development would result in operational difficulties for delivery vehicles servicing the site. In particular, the ability of delivery vehicles to manoeuvre safely into, within, and out of the site, which would compromise highway safety in the area. There is also a significant risk of vehicle conflict with other road users, most notably with the Woodlands Road junction opposite. The submitted delivery management plan also fails to demonstrate how the use of the car park would be managed to ensure deliveries can take place without conflicting with proposed car parking arrangements. To allow the proposed development would result in detrimental impact on highway safety contrary to Policy GDP1d) of the adopted Wrexham Unitary Development Plan."*

- 8.3 The Appellant will present evidence to demonstrate the ability of delivery vehicles to manoeuvre safely into, within, and out of the site in a manner that does not compromise highway safety. This evidence will also show vehicle manoeuvring in relation to other vehicles and those using the Woodlands Road junction opposite the site.
- 8.4 At no stage did the Council comment in detail on the content of the Service and Delivery Management Plan. Evidence will be presented demonstrating the management of the car parking and deliveries and its use and how conflict with

the proposed parking will be minimised such that the arrangements will not be detrimental to highway safety having regard to policy GDP1d of the UDP.

#### Reason for Refusal 2

8.5 The Council's second Reason for Refusal states:

*"The proposed development fails to provide adequate parking to meet the needs of both the existing public house and the proposed retail use, resulting in a significant shortfall in parking standards as set out in Local Planning Guidance Note No. 16: Parking. This shortfall of parking will result in an overspill of parking on surrounding streets, and potential for customers to park illegally across the site frontage. To allow the development would be contrary to the Council's adopted parking standards, and Policy T8 of the Wrexham Unitary Development Plan."*

8.6 The Appellant will present evidence that the proposed level of parking for both the retail unit and public house is sufficient. Further parking observation information will be presented addressing the Council's concerns about potential changes in parking demand for the refurbished Public House. This will be compared to the parking standards in LPG16. The second Reason for Refusal presumes that there is a demonstrable shortfall in parking provision that would lead to overspill parking on local streets. Evidence will be presented on this aspect and it is the Appellant's view that from observations of the Public House and parking predictions for the retail unit that this would not lead to illegal overspill parking across the site frontage that would create a road safety hazard on local streets contrary to policy T8 of the UDP.

#### Reason for Refusal 3

8.7 The Council's third Reason for Refusal states:

*"The proposed development is likely to result in a significant increase in noise and disturbance to the detriment of existing residential amenity. The Council considers that the proposed noise mitigation measures are inadequate given the nature of the use, and its proximity and relationship to neighbouring residential development at the rear of the site. To allow the development would therefore be contrary to Policy GDP1 f) of the adopted Wrexham Unitary Development Plan."*

8.8 Objective assessment of future acoustic impact has been undertaken by the Appellant in accordance with the appropriate British Standards (BS4142 and BS8233). The assessment considered existing levels of noise (measured over many hours on an attended basis), together with predictions of noise levels which would occur from sources including mechanical services, deliveries, customer noise, customer cars etc, should the proposal be implemented. The assessment found that operation of the site between the hours of 0700 and 2300 would not have a negative effect on the amenity of occupants of nearby residential properties by way of noise. This finding was based on the provision of a 3.5m high acoustic barrier to the south and west of the service yard, and the absence of deliveries outside the hours of 1000 to 1800 on a Sunday. The

Council's Public Protection section requested a condition restricting delivery hours to minimise the noise impact of the delivery vehicles on site, which the Appellant has agreed to and this is reflected in the Appellant's proposed conditions (see **Appendix 1**).

- 8.9 There appears to be no technical assessment on which the Council bases its conclusion that there is likely to be a significant increase in noise and disturbance as a result of this scheme. There appears to be no technical assessment on which the Council bases its conclusion that the proposed mitigation measures are inadequate.

Reason for Refusal 4

- 8.10 The Council's final Reason for Refusal states:

*"The proposed design of the retail store creates a discordant and incongruous feature within the existing street scene. It does not relate well to site context and will have an adverse effect upon the overall character and visual amenities of the area. The proposal does not make a positive contribution to the appearance of the nearby locality, and consequently to allow this proposal would be contrary to Policy PS2 and GDP1 a) of the Wrexham Unitary Development Plan."*

- 8.11 The proposed development will site a well designed convenience store in an area characterised by residential properties and an adjacent amenity area.
- 8.12 The building will be sited to the rear of an existing car park. It will be a simple rectangular building with a mono pitch roof, with external wall finishes in white render and cedar cladding. The position of the building together with its relatively simple design will assist in keeping its impact on the wider street scene to a minimum. Due to the relationship of the set back building and the adjacent higher wooded area there is no visual impact as the building is approached from the north along the B5445. From the south as the site is approached along the B5445 the building is screened by the adjacent public house until close to the site.
- 8.13 Much of the development in the immediate locality is comparatively modern in character and the appearance of the building would not be significantly at odds with the general character of the wider surroundings, nor will it significantly alter the predominantly residential character of the area.
- 8.14 The appeal site is accessible, encouraging the use of public transport, with provision for cycle parking and within walking distance of a significant number of residential properties; a sustainable location for such a scheme.
- 8.15 The proposed development has been designed to take into account the proximity and scale of neighbouring buildings, having regard to LPG21: Space Around Buildings. The lowest part of the roof will be at the rear of the building and in conjunction with the higher ground level at the adjacent dwellings this ensures that the building will not be oppressive or cause a significant loss of light.

- 8.16 Neither during pre-application consultations nor following the submission of the formal planning application has the Planning Officer made any adverse comment about the design of the proposed building.

### **Other Issues**

- 8.17 As stated in paragraph 4.2 above, depending on the position adopted by the Council or interested third parties (whether Rule 6 parties or otherwise), the Appellant reserves the right to call witness evidence on the following topics (which may be expanded upon):

- Retail Impact; and
- Ecology.

- 8.18 With regard to these topic areas, a brief summary of the case which (if required) will be put by the Appellant is set out below.

### **Retail Impact**

- 8.19 The sales area of the proposed development will not exceed 280 square metres and therefore meets the requirements of part c) in Policy S6 of the Wrexham UDP. As such, it is not considered that the proposed development requires any Retail Impact Assessment.

### **Ecology**

- 8.20 At no point during the application stage was there a requirement for the Appellant to provide any evidence of badgers in or near the appeal site or to provide mitigation measures. Further to this the Council consulted with the Countryside Council for Wales as part of its statutory undertaking for the application and it had no comment regarding badgers. The Planning Officer's Report to Committee stated:

*"Tree removal is not required in the wooded area to the east of the site and accordingly the development is unlikely to impact upon bats that may be present there. I note that a representation has been received in respect of potential impact on badgers, however CCW (now Natural Resources Wales) has not expressed any concern about this matter. As such I conclude the development will not have a significant or adverse impact upon them."*

## **9. Overall Planning Balance**

- 9.1 In line with s38(6) of the 2004 Act, the proposed development falls to be determined in accordance with the adopted Development Plan unless material considerations dictate otherwise. The PPW provides that, in circumstances where the development plan is absent, silent or relevant policies are out-of-date, planning permission should be granted unless any adverse effects of doing so would significantly and demonstrably outweigh the key principles or key policy objectives.

- 9.2 The Appellant will analyse the proposed development against the provisions of the adopted Development Plan together with all other material considerations. The Appellant will demonstrate that the proposed development meets the provisions of Policy GDP1d within the adopted Development Plan by ensuring safe and convenient pedestrian and vehicular access to and from the development site. Further to this the Appellant will demonstrate that delivery and service vehicles are able to access to and from and manoeuvre within the site safely.
- 9.3 The Appellant will demonstrate that the proposed development meets the requirements of the Council's parking standards as set out in Local Planning Guidance Note 16: Parking and also meets Policy T8 of the UDP through the provision of an appropriate level of parking spaces on site such that road safety hazards should not occur on the site frontage from on-street parking together with readily available public transport provision adjacent to the appeal site.
- 9.4 The Appellant will demonstrate that the proposed development meets the provisions of Policy GDP1f within the adopted Development Plan. Specifically the Appellant will show that the noise impact from the development will not be detrimental to the amenity of the neighbouring residential development at the rear of the site.
- 9.5 The Appellant will demonstrate that the proposed development meets the provisions of Policy GDP1a within the adopted Development Plan by showing that the scale, simple design and intelligent layout including siting the building towards the rear of the site and pitching the roof so that the lowest part lies closest to the residential properties along Wynnstay Lane will have minimal impact on the nearby locality. The Appellant will also demonstrate that the proposed development meets Policy PS2 as through its scale, design, layout and materials it does not have a detrimental affect on the overall character of the local area.
- 9.6 When the decision making process is properly applied in this case, the Appellant will demonstrate that planning permission should be granted for this development.
10. **Conditions and Inquiry Documents**
- 10.1 The Appellant has prepared a draft set of planning conditions, which can be found at **Appendix 1**. The Appellant will endeavour to agree a final set of draft conditions with the Council in advance of the forthcoming inquiry.
- 10.2 A list of documents to which the Appellant is likely to refer at the forthcoming inquiry is attached at **Appendix 2**. In light of representations made by the Council or interested third parties (whether Rule 6 parties or otherwise), the Appellant reserves the right to amplify or to amend this list.

## Appendix 1: Appellant's Proposed Conditions

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
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| <b>Time Limits</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 1. The development hereby permitted shall be commenced before the expiration of five years from the date of this permission.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <b>Reason:</b> To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <b>Nature of Development</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 2. The development hereby permitted shall be carried out in accordance with the approved plans: <ul style="list-style-type: none"> <li>➤ Site Location Plan – drawing number 3405-P00</li> <li>➤ Site Layout Plan – drawing number 3405-P01 Rev E</li> <li>➤ Ground Floor General Arrangement – drawing number 3405-P02 Rev B</li> <li>➤ North and West Elevations – drawing number 3405-P03</li> <li>➤ South and East Elevations – drawing number 3405-P04</li> <li>➤ Site Section – drawing number 3405-P05</li> <li>➤ Roof General Arrangement – drawing number 3405-P06</li> <li>➤ Fences and Gates – drawing number 3405-P08 Rev A</li> <li>➤ Car Park Lighting – drawing number P9306_332</li> <li>➤ Topographical Survey 2D – drawing reference 12523-123_2DT(1) Rev A</li> <li>➤ Delivery and Refuse Strategy – drawing number 3405-P09 Rev E</li> <li>➤ Delivery and Refuse Strategy Alternative Access – drawing number 3405-P10 Rev B</li> <li>➤ Delivery and Refuse Strategy HGV Approach from South-West Option 1 – drawing number 3405-P11 Rev B</li> <li>➤ Delivery and Refuse Strategy HGV Approach from North-East Option 1 – drawing number 3405-P12 Rev B</li> </ul> |
| <b>Reason:</b> To determine the scope of this permission.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <b>Highways</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 3. The vehicular parking and turning areas as shown on approved drawing no. 3405-P01 Rev E shall be fully laid out, surfaced and drained prior to first use of the development. These areas shall thereafter be permanently retained and made available solely for the parking and turning of vehicles at all times for use by customers/visitors to the retail development hereby granted permission and to customers/visitors to the public house known as The Red Lion.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <b>Reason:</b> To provide for the parking and turning of vehicles clear of the highway in the interests of traffic safety.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 4. Notwithstanding the provisions of Class A of Schedule 2 Part 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking, re-enacting that Order with or without modification), no gate, fence, wall or any other means of enclosure shall be erected, constructed or placed within the parking and turning area shown on approved drawing no. 3405-P01 Rev E other than those shown on that plan, approved drawing no. 3405-P08 Rev A and detailed within the Service and Delivery Management Plan dated May 2013.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <b>Reason:</b> To provide for the parking and turning of vehicles clear of the highway in the interests of highways safety.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 5. Prior to first use of the development hereby approved both vehicular accesses shall provide visibility splays of 2.4m x 40.5m to the south-west and 2.4m x 52.7m to the north-east measured to the nearside edge of the adjoining highways. Within these                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |

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| splays there shall be no obstruction in excess of 1m in height above the level of the adjoining highway. The splays shall thereafter be permanently retained clear of any such obstruction to visibility.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <b>Reason:</b> In the interests of highways safety.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 6. The site accesses shall be signposted, marked and operated in accordance with the provisions contained with the Transport Statement (dated May 2013) to allow entry only through the eastern access and exit only through the western access.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <b>Reason:</b> In the interests of highways safety.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 7. Prior to the first use of the development a 900mm steel post and rail fence shall be fully installed in accordance with approved drawing no. 3405-P01 Rev E and thereafter shall be permanently retained.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <b>Reason:</b> In the interests of highways safety.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 8. Prior to the first use of the development hereby granted permission a 2m wide footway shall be provided along the full length of the site frontage between parking spaces no. 23 and 29 in accordance with approved drawing no. 3405-P01 Rev E.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <b>Reason:</b> In the interests of pedestrian safety.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <b>Deliveries</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 9. No deliveries of goods to or collection of refuse from the retail unit hereby granted permission shall take place outside of the hours between 07:30 and 22:00 on Mondays to Saturdays and between 10:00 and 18:00 on Sundays, with the exception of delivery of newspapers.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <b>Reason:</b> To protect the amenities of the occupiers of nearby properties.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 10. All commercial vehicles visiting the retail unit hereby granted permission for the delivery and collection of goods shall be limited to articulated vehicles not exceeding 12.6m in length or to vehicles with a turning capability equivalent or better than such a vehicle.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <b>Reason:</b> To protect the amenities of the occupiers of nearby properties.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <b>Arboricultural</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 11. No development shall take place until an arboricultural method statement has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The arboricultural method statement shall include: <ul style="list-style-type: none"> <li>a) details of tree protection fencing and ground protection measures;</li> <li>b) a Tree Protection Plan showing the location of the trees to be removed and retained with their crown spreads, Root Protection Areas and Construction Exclusion Zones;</li> <li>c) details of any access, driveway, path, underground services or wall foundations within retained tree Root Protection Areas or Construction Exclusion Zone, including any related sections;</li> <li>d) method for protecting retained trees during demolition works;</li> <li>e) details of frequency of supervisory visits and procedures for notifying the findings of such visits to the Local Planning Authority;</li> <li>f) details of all proposed tree works including felling and pruning; and</li> <li>g) a Tree Planting Scheme.</li> </ul> |
| <b>Reason:</b> In the interests of the long-term wellbeing of the trees on the site.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <b>Noise</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 12. The development shall not be brought into use until the acoustic fence has been fully erected in accordance with drawing no. 3405-P08 Rev A and the Noise Assessment (dated 11 November 2012). The acoustic fence shall thereafter be permanently retained.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |

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|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Reason:</b> To protect the amenities of the occupiers of nearby properties.                                                                                                                                                                                                                                                                                                                                                      |
| 13. The rating level of any noise generated by air handling plant associated with the development shall not exceed the pre-existing background level by more than 5dB(A) at any time. The noise levels shall be determined at the nearest noise sensitive premises and measurements and assessment shall be made in accordance with BS4142:1997 Method of Rating Industrial Noise Affecting Mixed Residential and Industrial areas. |
| <b>Reason:</b> To protect the amenities of the occupiers of nearby properties.                                                                                                                                                                                                                                                                                                                                                      |
| <b>Materials</b>                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 14. 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.                                                                                                                                                     |
| <b>Reason:</b> In the interests of the visual amenities of the area.                                                                                                                                                                                                                                                                                                                                                                |
| <b>Opening Hours</b>                                                                                                                                                                                                                                                                                                                                                                                                                |
| 15. No customer shall be admitted to the premises before 07:00 or after 23:00 hours on any day.                                                                                                                                                                                                                                                                                                                                     |
| <b>Reason:</b> To protect the amenities of the occupiers of nearby properties.                                                                                                                                                                                                                                                                                                                                                      |
| <b>Drainage</b>                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 16. No land drainage run-off or surface water shall be permitted to discharge or connect to the public sewerage system, either directly or indirectly, and foul and surface water shall be drained separately from the site.                                                                                                                                                                                                        |
| <b>Reason:</b> To protect the integrity of the public sewerage system.                                                                                                                                                                                                                                                                                                                                                              |

## Appendix 2: Proposed List of Core Documents

|                                                        |     |                                                                                                   |
|--------------------------------------------------------|-----|---------------------------------------------------------------------------------------------------|
| <b>1 Adopted Development Plan Policies</b>             |     |                                                                                                   |
|                                                        | 1.1 | Saved Policies of the Wrexham Unitary Development Plan 1996 – 2011 (adopted February 2005)        |
| <b>2 Emerging Local Development Framework Policies</b> |     |                                                                                                   |
|                                                        | 2.1 | Draft Local Development Plan 2 2013 – 2028                                                        |
| <b>3 National Planning Policy</b>                      |     |                                                                                                   |
|                                                        | 3.1 | Planning Policy Wales (November 2012)                                                             |
|                                                        | 3.2 | The Wales Spatial Plan (2008 Update)                                                              |
|                                                        | 3.3 | TAN 11: Noise (1997)                                                                              |
|                                                        | 3.4 | TAN 12: Design (2009)                                                                             |
|                                                        | 3.5 | TAN 18: Transport (2007)                                                                          |
| <b>4 Appeal Decisions</b>                              |     |                                                                                                   |
|                                                        | 4.1 | Rhyl Coast Road (APP/R6830/A/11/2153449)                                                          |
|                                                        | 4.2 | 108 Cefn Road, Rogerstone (APP/G6935/A/08/2073116)                                                |
| <b>5 Highways Documents</b>                            |     |                                                                                                   |
|                                                        | 5.1 | LPG16: Parking Standards                                                                          |
|                                                        | 5.2 | Department for Transport: Manual for Streets 1 (2007)                                             |
|                                                        | 5.3 | Department for Transport: Manual for Streets 2 (2010)                                             |
|                                                        | 5.4 | Transport Statement dated 14 May 2013                                                             |
|                                                        | 5.5 | Service and Delivery Management Plan dated 14 May 2013                                            |
| <b>6 Noise Documents</b>                               |     |                                                                                                   |
|                                                        | 6.1 | BS4142:1997 - Method for rating industrial noise affecting mixed residential and industrial areas |
|                                                        | 6.2 | BS 8233:1999 Sound insulation and noise reduction for buildings                                   |
| <b>7 Design Documents</b>                              |     |                                                                                                   |
|                                                        | 7.1 | LPG6: Access to and Use of Buildings                                                              |
|                                                        | 7.2 | LPG7: Landscape and Development                                                                   |
|                                                        | 7.3 | LPG12: Shopfront Design and Security                                                              |
|                                                        | 7.4 | LPG21: Space Around Dwellings                                                                     |

| <b>8 Planning Application and Appeal Documents</b> |     |                                                                               |
|----------------------------------------------------|-----|-------------------------------------------------------------------------------|
|                                                    | 8.1 | Planning Application and Supporting Documents [provided in the Appeal Bundle] |
|                                                    | 8.2 | Committee Report – 3 June 2013                                                |
|                                                    | 8.3 | Committee Report Addendum                                                     |
|                                                    | 8.4 | Appellant’s Statement of Case dated . . . .                                   |
|                                                    | 8.5 | Council’s Statement of Case dated . . . .                                     |
|                                                    | 8.6 | Statement of Common Ground dated . . . .                                      |