

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/2019/0716
Agent	DPA LTD MR GARETH EDWARDS SALOP HOUSE 13 SALOP ROAD OSWESTRY SY11 2NR	Date Received	18/09/2019
		Decision Date	02/03/2020

Town and Country Planning Act, 1990

Location of application

LAND ON OAK ROAD, WREXHAM INDUSTRIAL ESTATE, WREXHAM,
LL13 9RG

Description of application

COMMERCIAL / INDUSTRIAL DEVELOPMENT FOR B1 B2 AND B8 USES
WITH ASSOCIATED EXTERNAL WORKS

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

E1	Employment allocations
E4	Employment development within settlements
EC12	Development and flood risk
EC13	Surface water run-off
EC4	Hedgerows, Trees and Woodland
EC6	Biodiversity Conservation
GDP1	Development objectives
PS1	Settlement limits
PS11	Biodiversity
PS2	Development and the environment
PS3	Brownfield Land
T8	Parking

Revision	Date	Description of Decision
0	02/03/2020	Planning permission issued
1	09/06/2021	P/2021/0292 Discharge of condition 14 approved

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

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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) 19061:
P-01A Location plan
P03A Existing block plan
P10A Proposed floor plans
P-20A Proposed elevations
received 18/9/2019
P-02B Proposed Block Plan received 19/12/2019
and as contained within the application documentation.
3. Prior to their use on the development details of all external facing materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in strict accordance with such details as are approved.
4. The existing vehicular accesses as shown on approved plan no. P-03A shall be permanently closed up prior to first use of any part of the development in accordance with a specification of works which has been submitted to and approved in writing by the Local Planning Authority.
5. The vehicular parking and turning areas and cycle shelter as shown on approved drawing No. P-02B 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.
6. Prior to first use of the development hereby approved the 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 above the level of the adjoining carriageway. The splays shall thereafter be permanently retained clear of any such obstruction to visibility.
7. 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.
8. A service and delivery management plan shall be submitted to and approved in writing by the Local Planning Authority within 1 month of the commencement of construction of the new access. The plan shall include details of measures to limit the number of vehicles and HGVs on site at any

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one time. The site shall be operated in accordance with the Plan as approved in writing by the Local Planning Authority.

9. No part of the development shall commence until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in strict accordance with the details as approved. Those details shall include:

- i. a timetable for its implementation, and
- ii. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

10. No part of the development shall be occupied until the sustainable drainage scheme for the site has been completed in accordance with condition no. 9. The sustainable drainage scheme shall be managed and maintained thereafter in strict accordance with the agreed management and maintenance plan.

11. 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.

12. Each part of the site subject to the remediation under the scheme(s) approved as part of condition 11 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.

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13. The rating level of any noise generated by reason of this development shall not exceed the pre-existing background level by more than 5dB(A) at any time. The noise levels shall be determined at nearby noise sensitive premises, and measurements and assessment shall be made in accordance with BS4142:2014 Method of Rating Industrial Noise Affecting Mixed Residential and Industrial areas.

14. No development shall commence until a site wide species Conservation Plan has been submitted to and approved in writing by the Local Planning Authority. The Conservation Plan should include:

- The submission and implementation of an appropriate avoidance and mitigation scheme (including detail of measures outlined in part 6.3 of the ecological report).
- The submission and implementation of an on or off site-compensatory or off setting scheme.
- If on site compensation is proposed, inclusion of a management plan that includes provisions concerning long term management, wardening and surveillance. This submission to include consideration of resources required to implement surveillance, management and wardening prescriptions. Long term surveillance of the amphibian population to be based on the online Wales GCN monitoring scheme <https://www.cofnod.org.uk/LinkInfo?ID=7>
- Details of measures designed to prevent the accidental capture/killing of GCN post construction. This is essentially the design and construction of an amphibian friendly surface water management system.
- Biosecurity Risk Assessment. The risk assessment shall include measures to control, remove or for the long-term management of invasive species both during construction and operation.
- Ecological Compliance Audit to evidence compliant implementation of all ecological avoidance, mitigation and compensation works, either proposed or subject to the provisions of reserved matters conditions. The Audit shall identify Key Performance Indicators (KPI's) that are to be used for the purposes of assessing and evidence compliance.

The Conservation Plan shall be carried out in accordance with the approved details.

Date Approved: 09/06/2021 **Reference Number:** P/2021/0292

By: Wrexham County Borough Council

Approved Details:

Revised GCN Licence method statement dated 12/3/2021 received 28/5/2021

15. Within three months of commencement of development, full details of a hard and soft landscaping scheme to include boundary treatment together

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with a timescale for implementation of works shall be submitted to and approved in writing by the Local Planning Authority.

16. The landscaping scheme submitted and approved in connection with condition no. 15 shall be fully implemented in all respects within the agreed timescale and in strict accordance with the approved scheme.

17. No part of the development shall commence until a scheme detailing the means of control of frontage parking for the adjoining land to the south-east of the application site has been submitted to and approved in writing by the Local Planning Authority. The scheme as is approved shall be fully implemented prior to first use of the development and thereafter be permanently retained.

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 highway safety in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
5. 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
6. 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.
7. In the interests of highway safety in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
8. To support the Council's approved Integrated Transport Strategy and in the interests of highway safety in accordance with Policies GDP1 and PS4 of the Wrexham Unitary Development Plan.
9. To ensure satisfactory drainage of the site and to avoid flooding in accordance with Policies GDP1 and EC13 of the Wrexham Unitary Development Plan.
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11. In the interests of the amenities of the future occupants of the buildings in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
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13. To protect the amenities of the occupiers of nearby properties in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
14. Reason: to safeguard protected species in accordance with policy EC6 of the Wrexham Unitary Development Plan and Welsh Government TAN5.
15. 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.
16. 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.
17. In the interests of highway safety in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.

Note(s) to applicant

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

Your attention is drawn to Highway Supplementary Notes - 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

The proposed access / footway should be constructed to a standard suitable for adoption by the Council for future maintenance at the public expense and the developer will need to enter into an agreement with the Council under s.38 / 278 of the Highways Act 1980.

You are advised that the Highway Authority will require such works to be completed to their satisfaction before they will formally adopt the relevant

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Highway works for public use and to be maintained at public expense. This will include the provision of a bond to cover the estimated value of such works.

The appropriate fees will become due to the Council when the Highways Authority approve the proposed works to be carried out.

Warning: An European protected species (EPS) Licence is required for this development.

This planning permission does not provide consent to undertake works that require an EPS licence.

It is an offence to deliberately capture, kill or disturb EPS or to recklessly damage or destroy their breeding sites or resting places. If found guilty of any offences, you

could be sent to prison for up to 6 months and/or receive an unlimited fine.

To undertake the works within the law, you can obtain further information on the need

for a licence from Natural Resources Wales on 0300 065 3000 or at

<https://naturalresources.wales/conservation-biodiversity-and-wildlife/europeanprotected-species/?lang=en>

Further advice on compliance with condition no. 11 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.

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.

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The applicant should adhere to the times given above wherever possible. For further information and advice regarding construction noise please contact the Council's Housing and Public Protection Department on 01978 315300.

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 Housing and Public Protection Department on 01978 315300 for further advice and information.

Burning of waste generated from construction activities is not considered to be an appropriate method of disposal and action may be taken as follows:

- Under the Environmental Protection Act 1990 anyone found disposing of construction site waste by burning is likely to be in breach of their duty of care with regard to waste disposal;
- Under the same Act an abatement notice may be served where smoke is judged to be causing a nuisance to neighbouring properties. Failure to comply with the requirements of the notice can result in prosecution;
- Under the Clean Air Act 1993 it is an offence for a commercial activity to burn anything that gives rise to dark smoke.

To prevent offences under the above named Acts there should be no bonfires on the site, to include the prohibition of the burning of cleared vegetation. The applicant should contact the Council's Environment and Planning Department on 01978 315300 for further advice and information.

Detailed advice has been issued by Natural Resources Wales and Welsh Water concerning the proposed development which is available on the Council's website.

SuDS Approving Body Approval Requirement.

As you will be aware, from the 7th of January 2019 any new development of more than one dwelling or that involves construction work of more than 100m² is required to obtain approval from the SuDS Approving Body (SAB) prior to the commencement of those construction works. No formal application for SAB approval or request for pre application SAB advice has been received to date. In the absence of the full consideration of the requirements of the National Standards for SuDS, and requirements of Schedule 3 of the Flood

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and Water Management Act, it has not been demonstrated that a compliant sustainable surface water management scheme can be delivered for the site. It is likely that this requirement will have implications for the proposed development, particularly in relation to the layout. In some instances it may not be possible to identify a scheme that can successfully comply with the national standards, particularly if future maintenance, management and funding of a scheme cannot be agreed with the SAB as adopting authority.

As a matter of urgency, the Council's flood officer advises the applicant give full consideration to the implications that compliance to the National SuDS standards may have for the development and revise proposals accordingly whilst also pursuing SAB approval. While it is possible to seek planning permission in isolation of seeking SAB approval, there is a significant risk in pursuing such an approach. The earlier it can be determined that the proposals are compliant with the new standards the less chance of delay, wasted effort and costs for all parties involved.

The information submitted with the application indicates SuDS and soakaway will be used to manage surface water generated by the proposed development but no supporting evidence is included to demonstrate this is feasible, or if an alternative means of disposal is available to the development.



Officer Appointed for this purpose
Chief Officer Planning & Regulatory

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