

In pursuance of its powers under the Acts and Orders referred to below, the County Borough Council as Local Planning Authority, hereby determines your application in accordance with the particulars and plans comprising the application



Applicant	MR STEVE PARRY	Code Number	WRR P/2020/0735
Agent	TACP ARCHITECTS LTD MR DAVID MORRIS PEMBROKE HOUSE ELLICE WAY WREXHAM TECHNOLOGY PARK WREXHAM LL13 7YT	Date Received	12/08/2020
		Decision Date	26/01/2021

Town and Country Planning Act, 1990

Location of application

NIGHTINGALE HOUSE, CHESTER ROAD, WREXHAM, LL11 2SJ

Description of application

MAES PARCIO A RAMP GYDA GOLEUADAU A DIOGELWCH
CYSYLLTIEDIG / CAR PARK AND RAMP WITH ASSOCIATED LIGHTING
AND SECURITY

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

EC4	Hedgerows, Trees and Woodland
EC6	Biodiversity Conservation
PS1	Settlement limits
PS2	Development and the environment
T8	Parking
GDP1	General Development Principles

Revision	Date	Description of Decision
0	26/01/2021	Planning permission issued

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

Condition(s)

1. The development hereby permitted shall be commenced before the expiry of five years from the date of this permission.
2. The development shall only be carried out in strict accordance with the details shown on the approved drawing(s) numbered 19071:
SK20-02-07 Existing car park

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SK01 Existing Location Plan

SK02 proposed location plan

SK03 Existing area

SK04 New car park

422-01A Car Park Layout

D.RTA.12.02 Tree Implication and Protection Plan

and as contained within the application documentation.

3. The vehicular parking area as shown on approved drawing numbers S04 shall be fully laid out, surfaced and drained prior to first use of the development. This parking area shall thereafter be permanently retained and kept free of any obstruction, and made available solely for the parking of motor vehicles at all times.

4. No part of the development shall commence until a detailed Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in strict accordance with the Method Statement as is approved. The Method Statement shall include the following:

- a) A specification for tree protection fencing and ground protection measures that comply with British Standard 5837:2012;
- b) A Tree Protection Plan showing the location of the trees to be removed and retained with their crown spreads, Root Protection Areas, Construction Exclusion Zones, and location of protective fencing and ground protection measures accurately plotted;
- c) A full specification for any access, driveway, path, underground services or wall foundations within retained tree Root Protection Areas or Construction Exclusion Zone, including any related sections and method for avoiding damage to retained trees;
- d) Details of general arboricultural matters including proposed practices with regards to cement mixing, material storage and fires;
- e) Details of the frequency of supervisory visits and procedures for notifying the findings of such visits to the Local Planning Authority;
- f) Method for protecting retained trees during demolition works;
- g) Details of all proposed tree works, including felling and pruning.

5. No part of the development shall commence until full details for the arboricultural supervision of tree protection measures and any ground works within retained tree(s) Root Protection Areas, as specified by BS5837:2012 or as shown on a Tree Protection Plan have been submitted to and approved in writing by the Local Planning Authority. The supervisory works shall be carried out in strict accordance with the details as approved.

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6. No part of the development shall commence until full details of both hard and soft landscape works, to include some native planting has been submitted to and approved in writing by the Local Planning Authority. The plan shall include a timescale for the implementation of works, and shall provide for ecological improvement / habitat creation and enhancement in the soft landscape areas for the benefit of biodiversity conservation specifically tailored to the landscape features.

7. The development shall be carried out in strict accordance with the findings and recommendations contained within the Ecology Assessment as carried out by Enfys Ecology and dated 14/10/2020 approved as part of this application. The mitigation and compensation measures hereby approved shall be fully implemented prior to first use of the development. Any additional lighting must be hooded and directional so as to not cause additional light fall on the surrounding trees.

8. The landscaping scheme submitted and approved in connection with condition no. 6 shall be fully implemented in all respects within the agreed timescale and in strict accordance with the approved scheme.

9. The landscaping scheme as carried out in connection with condition no. 8 shall be retained for a minimum of 5 years. Within this timescale, any planting becoming severely damaged or seriously diseased, or is in poor physiological condition and/or are removed without the written permission of the Local Planning Authority shall be replaced with trees or shrubs of similar size and species to those originally required to be planted and within a timescale all to be submitted to and approved in writing by the Local Planning Authority.

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 provide for the parking of vehicles clear of the highway in accordance with Policies GDP1 and T8 of the Wrexham Unitary Development Plan
4. To ensure the work is carried out to accepted arboricultural practices for the long term wellbeing of the tree(s) in accordance with Policies GDP1, PS2 and EC4 of the Wrexham Unitary Development Plan.

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5. To ensure the work is carried out to accepted arboricultural practices for the long term wellbeing of the tree(s) in accordance with Policies GDP1, PS2 and EC4 of the Wrexham Unitary Development Plan.

6. To protect named species / habitats / biodiversity which would otherwise be damaged / lost by the development hereby permitted in accordance with Policies GDP1 and EC6 of the Wrexham Unitary Development Plan.

7. To protect named species / habitats / biodiversity which would otherwise be damaged / lost by the development hereby permitted in accordance with Policies GDP1 and EC6 of the Wrexham Unitary Development Plan.

8. 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.

9. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies GDP1 and PS2 of the Wrexham Unitary Development Plan.

Note(s) to applicant

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 site is located in DAM Zone A as defined within TAN15. The proposed location of the car park is located in an area of the site identified as being a high risk of surface water flooding on NRW's updated flood map for surface water. As a minimum I would strongly recommend the applicant incorporate flood resistant and resilient construction techniques into the works if permission were granted and that an adequate surface water management plan is in place.

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)

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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 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.

Prior to the determination of the outline application, it must be clearly demonstrated that a Sustainable Drainage Scheme, compliant with the Welsh Ministers Statutory Standards for Wales, can be delivered for the site. This SuDS Strategy document (or equivalent) must detail the proposed approach to achieve compliance with the Statutory Standards, whilst demonstrating how the guiding principles of the standards will be achieved. 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.

Should this application be approved I would recommend the inclusion of a pre-commencement condition requesting detail of the final surface water management scheme for the site as well as the Note to Applicant below detailing the need to obtain SAB approval prior to the commencement of any construction works on site.

Note to Applicant - SAB Approval Required

Following the commencement of Schedule 3 of the Flood and Water Management Act, the works as proposed are required to obtain approval from the SuDS Approving Body (SAB) prior to commencement of those construction works. Further details of the SAB, the new national standards, the pre-application advice service and the application for approval process can be found on the Wrexham CBC's SAB webpage:

https://www.wrexham.gov.uk/english/planning_portal/sab/sab.htm or by contacting the SAB Team directly at SAB@wrexham.gov.uk.

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Natural Resources Wales Advice for the Developer

If a car park is for more than 50 vehicles, then a fuel interceptor must be installed on the drainage from the car park – unless a Sustainable Urban Drainage System (SUDS) is implemented. PPG3 provides further guidance and is available on the following website:

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

Where SUDS is proposed for surface run-off from e.g. car parking, the applicant should be advised to refer to the Environment Agency's Position Statement G13 on groundwater protection available on the following link: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/444444/g13-groundwater-protection.pdf

All works relating to this development which are audible beyond the site boundary should be carried out only between 7.30 and 18.00 hrs Monday to Friday, and 08.00 to 14.00 hrs on a Saturday, and at no time on a Sunday or a Bank Holiday. Outside these times, any works which are audible beyond the site boundary have the potential to cause unreasonable disturbance to neighbouring premises.

The applicant is advised that the Council has the option to control construction noise by serving a Control of Pollution Act 1974, Section 60, Notice where deemed necessary, and failure to comply with such a Notice can result in prosecution.

The applicant 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.

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.

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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.

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.

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

The following activities should not be carried out under any circumstances:

- 1) No fires should be lit within 10 metres of the nearest point of the canopy of any retained tree.
- 2) No works, including earth works and the bringing onto site of machinery or materials shall proceed until the approved tree protection measures are put in place, with the exception of the approved tree works.
- 3) No equipment, signage, fencing, tree protection barriers, materials, components, vehicles or structures shall be attached to or supported by a retained tree.
- 4) No mixing of cement or use of other materials or substances shall take place within tree root protection areas or tree construction exclusion zones, or close enough to these that seepage or displacement of those materials or substances could cause them to enter tree root protection areas or tree construction exclusion zones.
- 5) No alterations or variations to the approved works or tree protection schemes shall be carried out without the prior written approval of the Local Planning Authority.



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Officer Appointed for this purpose
Chief Officer Planning & Regulatory

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