

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 RICHARD PEMBERTON	Code Number	ABE P/2020/0229
Agent	COX FREEMAN MR ALEX MCCALL 4TH FLOOR 39 STONEY STREET THE LACE MARKET NOTTINGHAM NG1 1LX	Date Received	07/02/2020
		Decision Date	02/11/2020

Town and Country Planning Act, 1990

Location of application

ROWAN FOODS LTD OSCAR MAYER LTD, ASH ROAD SOUTH,
WREXHAM INDUSTRIAL ESTATE, WREXHAM, , LL13 9UG

Description of application

ESTYNIADAU MEWNLENWI A STORFA OER GAN GYNNWYS UN DOC
YCHWANEGOL AC ESTYNIADAU SWYDDFA A GWEITHDY PEIRIANNEG
AR Y LLAWR CYNTAF, MYNEDIAD NEWYDD I Ffordd yr Onnen a
Parcio Cysylltiedig /

INFILL AND COLD STORE EXTENSIONS, ONE EXTRA DOCK AND FIRST
FLOOR OFFICE AND ENGINEERING WORKSHOP EXTENSIONS, NEW
ACCESS ONTO ASH ROAD AND ASSOCIATED CAR PARKING

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

E4	Employment development within settlements
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
T8	Parking

Revision	Date	Description of Decision
0	02/11/2020	Planning permission issued

Particulars of decision that permission be GRANTED

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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:
 ROW01-CFL-00-00-AP-A-0101 Location Plan P01
 ROW01-CFL-00-00-AP-A-0201 Existing Site P03
 ROW01-CFL-00-00-AP-A-0202 Existing ground floor P01
 ROW01-CFL-00-01-AP-A-0203 Existing first floor P01
 ROW01-CFL-00-03-AP-A-0204 Existing roof plan P01
 ROW01-CFL-00-ZZ-AP-A-0301 Existing sections P01
 ROW01-CFL-00-ZZ-AP-A-0401 Existing elevations P01
 ROW01-CFL-00-00-AP-A-0501 Proposed site plan P08
 ROW01-CFL-00-00-AP-A-0601 Proposed ground floor P05
 ROW01-CFL-00-01-AP-A-0602 Proposed first floor P05
 ROW01-CFL-00-03-AP-A-0603 Proposed roof plan P05
 ROW01-CFL-00-ZZ-AP-A-0801 Proposed Elevations P05
 ROW01-CFL-00-ZZ-AP-A-0701 Proposed sections P05
 ROW01-CFL-XX-RP-A-0720 Design and access Statement
 C365-CoxFreeman-Gen-RAMs-220120-TK Marches Ecology Reasonable Avoidance Statement
 C356-NRWresponseletter-120820-TK Marches Ecology
 C365-CoxFreemanLetter-GrasslandManagement-230120 Marches Ecology
 P2020-005-001-P1 Rigby and Partners Drainage Strategy
 and as contained within the application documentation.
3. No facing or roofing materials shall be used other than those detailed on the application form and within the approved application documentation.
4. Within six months of the first use of the development, trees and shrubs shall be planted on the site in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority.
5. The landscaping scheme submitted and approved in connection with condition no. 4 shall be fully implemented in all respects within the agreed timescale and in strict accordance with the approved scheme.

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6. The landscaping scheme as carried out in connection with condition no. 5 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.

7. The development shall be carried out in strict accordance with the findings and recommendations contained within the Ecology Assessment as carried out by Marches Ecology C365-Cox Freeman, (22/01/2020) Great Crested Newt RAMS Method Statement 220/20-TK approved as part of this application. The mitigation and compensation measures hereby approved shall be fully implemented prior to first use of the development.

8. The development shall be carried out in accordance with the recommendations of the approved Grassland Management Strategy Marches Ecology C365 230120 dated 23/1/2020.

9. Prior to first use of the development, the proposed vehicular access shall be laid out in strict accordance with approved plan no. ROW01-CFL-00-00-AP-A-0501 P08. The visibility splays shall thereafter be permanently retained free of all obstruction in excess of 1 metre in height.

10. The vehicular and cycle parking and turning areas as shown on approved drawing No. ROW01-CFL-00-00-AP-A-0501 P08 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.

11. A Stage 1 and 2 (combined) Road Safety Audit shall be submitted and approved by the Local Planning Authority in consultation with the Highway Authority and all issues addressed and recommendations completed to the satisfaction of the LPA prior to construction work commencing on site. A Section 278 shall be entered into with the Council for all remedial works required by this Road Safety Audit.

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12. A Stage 3 Road Safety Audit shall be submitted and approved by the Local Planning Authority in consultation with the Highway Authority and all issues addressed and recommendations completed to the satisfaction of the LPA prior to beneficial occupation of the new buildings. A Section 278 shall be entered into with the council for all remedial works required by this Road Safety Audit.

13. A detailed Travel Plan for the existing and expanded site shall be submitted and approved by the Local Planning Authority prior to beneficial occupation of the new buildings. This shall include consideration of improved Active Travel measures in accordance with the Active Travel Act. The development shall be carried out in accordance with the agreed Plan.

14. 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.

Reason(s)

1. To comply with Section 91(3) of the Town and Country Planning Act, 1990.
2. To comply with section 71ZA (2) of the Town and Country Planning Act 1990.
3. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies GDP1 and PS2 of the Wrexham Unitary Development Plan.
4. To ensure 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.

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5. 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.
6. 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.
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 protect named species / habitats / biodiversity which would otherwise be damaged / lost by the development hereby permitted in accordance with Policies GDP1 and EC6 of the Wrexham Unitary Development Plan.
9. To ensure the formation of a safe and satisfactory access in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
10. 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
11. To ensure an adequate service and parking area is retained within the site in the interests of highway safety in accordance with Policies GDP1 and T8 of the Wrexham Unitary Development Plan.
12. To ensure an adequate service and parking area is retained within the site in the interests of highway safety in accordance with Policies GDP1 and T8 of the Wrexham Unitary Development Plan.
13. To ensure an adequate service and parking area is retained within the site in the interests of highway safety in accordance with Policies GDP1 and T8 of the Wrexham Unitary Development Plan.
14. To ensure satisfactory drainage of the site and to avoid flooding in accordance with Policies GDP1 and EC13 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.h

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A licence must be obtained (as required by section 184 of the Highways Act 1980) from the Highway Authority in order to lower the kerbline and cross the footpath. Further information can be obtained from the highways department of Wrexham County Borough Council on telephone 01978 729670.

Natural Resources Wales Advice for the Developer

We note that the 'Drainage Plan' prepared by Rigby and Partners (P2020-05 001 P1) shows a surface water drainage connection which appears to discharge into Redwither Brook, which is a Main River. This connection may be subject to a Flood Risk Activity Permit or Exemption. Further information can be found here: <https://naturalresources.wales/permits-and-permissions/flood-risk-activities/flood-risk-activity-permits-information/?lang=en>

Works near Watercourse / Construction or Demolition sites

Due to the proximity of the site to watercourses, all works at the site must be carried out in accordance with GPP5 and PPG6: 'Works in, near or over watercourses' and 'Working at construction and demolition sites' which are available on the following website:

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

Waste Regulation

Waste produced during the construction phase of your development must be dealt with appropriately and be in line with all relevant waste legislation including Duty of Care Regulations and Hazardous Waste Regulations. As part of your waste duty of care you must classify the waste produced:

- o before it is collected, disposed of or recovered
- o to identify the controls that apply to the movement of the waste
- o to complete waste documents and records
- o to identify suitably authorised waste management options
- o to prevent harm to people and the environment.

Any waste removed from site will be subject to waste management controls. The links below provided information on how to classify waste and register as a waste carrier or hazardous waste producer:

<http://naturalresources.wales/waste/how-to-classify-and-assess->

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waste/?lang=en

<http://naturalresources.wales/apply-for-a-permit/waste/?lang=en>

Further guidance can be found on the GOV website here:

<https://www.gov.uk/managing-your-waste-an-overview/duty-of-care>

Surface Water Drainage

We refer the developer to the Environment Agency (2017) 'Approach to groundwater protection' position statements which have been adopted by Natural Resources Wales. The developer should be aware of the advice under Position Statements G11 (Discharges from areas subject to contamination) and G13 (sustainable drainage systems) applies to this development.

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.

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.

Advice from Welsh Water:

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The proposed development site is crossed by a 225mm diameter combined public sewer with its approximate position being marked on the attached Statutory Public Sewer Record. Under Section 159 of the Water Industry Act 1991, Dwr Cymru Welsh Water has rights of access to its apparatus at all times, and as such no operational development including the raising or lowering of ground levels will be permitted within 3 metres either side of the centreline of the public sewer. Should the proposed development be located within the protection zones of the sewer crossings, there would be a requirement to divert the public sewer, which can be applied for under Section 185 of the Water Industry Act 1991.

The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication ""Sewers for Adoption""- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com.

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

As of 7th January 2019, this proposed development is subject to Schedule 3 of the Flood and Water Management Act 2010. The development therefore requires approval of Sustainable Drainage Systems (SuDS) features, in accordance with the 'Statutory standards for sustainable drainage systems - designing, constructing, operating and maintaining surface water drainage systems'. It is therefore recommended that the developer engage in consultation with the Local Authority, as the determining SuDS Approval Body

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(SAB), in relation to their proposals for SuDS features. Please note, DCWW is a statutory consultee to the SAB application process and will provide comments to any SuDS proposals by response to SAB consultation. If the development will give rise to a new discharge (or alter an existing discharge) of trade effluent, directly or indirectly to the public sewerage system, then a Discharge Consent under Section 118 of the Water Industry Act 1991 is required from Dwr Cymru / Welsh Water. Please note that the issuing of a Discharge Consent is independent of the planning process and a consent may be refused although planning permission is granted.

Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.

If you have any queries please contact the undersigned on 0800 917 2652 or via email at developer.services@dwrcymru.com

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 .



**Officer Appointed for this purpose
Chief Officer Planning & Regulatory**

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