

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 IAN STONE TBE (SOUTHERN) LTD	Code Number	WRR P/2020/0007
Agent	REAL PLANNING MR GERRY KELLETT DUNMORE CHURCH STREET PENYCAE WREXHAM LL14 2RL	Date Received	07/01/2020
		Decision Date	21/04/2020

Town and Country Planning Act, 1990

Location of application

CHAPTER COURT, BETWEEN ARGYLE STREET, HOPE STREET, QUEEN STREET AND RHOSDDU ROAD, WREXHAM, LL11 1AT

Description of application

CHANGE OF USE TO MIXED USE DEVELOPMENT (CLASSES A1, A2, A3, D1, D2 AND B1), DEMOLITION AND RELOCATION OF ELECTRICAL SUB-STATION, PROVISION OF EXTERNAL ENTERTAINMENT AREAS AT GROUND FLOOR LEVEL AND EXTERNAL BREAKOUT AREAS AT FIRST FLOOR LEVEL, AND CONSTRUCTION OF NEW ACCESS ARRANGEMENTS

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

EC13	Surface water run-off
EC7	Conservation Areas
EC9	Listed Buildings
GDP1	Development objectives
PS1	Settlement limits
PS2	Development and the environment
PS3	Brownfield Land
PS4	Settlement Pattern
S3	Non-shopping key town centre uses
T8	Parking
T9	Walking, cycling and horse riding routes

Revision	Date	Description of Decision
0	21/04/2020	Planning permission issued

Particulars of decision that permission be GRANTED

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Subject to the following:-

Conditions

- 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 R362-05-A1 P03, R362-06-A1 P03, R362-07-A1 P04, R362-08-A1 P02, R362-10-A1 P02, R362-11-A3 P01, R362-12-A1 P01, R362-13-A3 P02, and as contained within the application documentation.
- 3.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.
- 4.The development shall be carried out in strict accordance with the findings and recommendations contained within the Ecology Assessment as carried out by EDC, Ref: 9928.RP01.ENS.O and dated October 2019 approved as part of this application. The mitigation and compensation measures hereby approved shall be fully implemented prior to first use of the development.
- 5.The rating level of any noise generated by air handling plant associated with the development shall not exceed:
 - * Daytime (07:00 to 19:00) 40 dBA LAeq at 1m from any Noise Sensitive Premises
 - * Night Time (23:00 to - 07:00) 35 dBA LAeq at 1m from any Noise Sensitive Premises

The noise levels shall be determined at nearby noise sensitive premises, and measurements and assessment shall be made in accordance with BS4142:2014 Methods for rating and assessing industrial and commercial sound.
- 6.The rating level of any entertainment noise generated by the development shall not exceed:
 - * Daytime (07:00 to 19:00) 35 dBA LAeq at 1m from any Noise Sensitive Premises
 - * Daytime (07:00 to 19:00) 35 dBA LAeq at 1m from any Noise Sensitive Premises at 63 Hz
 - * Night Time (23:00 to - 07:00) 20 dBA LAeq at 1m from any Noise Sensitive Premises.

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The noise levels shall be determined at nearby noise sensitive premises, and measurements and assessment shall be made in accordance with BS4142:2014 Methods for rating and assessing industrial and commercial sound.

7. No part of the development shall commence until details of the means of ventilation for the extraction and dispersal of cooking smells, including details of its method of construction, odour control measures, its appearance and finish have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented prior to first use of the development and shall thereafter be permanently retained in an effective condition.

8. 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 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.

9. All works in relation to the implementation of this permission, including deliveries to and / or leaving the site, shall be undertaken only between the hours of 7.30 and 18.00 Monday to Friday, and 08.00 to 14.00 on a Saturday, and at no time on a Sunday or a Bank Holiday unless the prior written approval of the Local Planning Authority has been obtained.

10. The dust mitigation measures contained within the Dust Management Report Ref: AS-19-1170-RPT-01 Rev 0, dated 14/10/2019, approved as part of this application shall be fully implemented for the entire duration of the construction phase.

11. No development at the existing electrical sub-station, other than its demolition, shall take place until a phased site investigation of the nature and extent of contamination at the electrical sub-station 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 further development shall take place 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.

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If during the course of development any further 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 no. 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.

13. Within one month of commencement of the development hereby approved, a Service Delivery Management Plan (SDMP) shall be submitted to and approved in writing by the Local Planning Authority. The SDMP as is approved shall be fully implemented for the life of the development.

14. No use of the development shall be made before 0800 hours or after 2300 hours on any day.

15. No part of the development shall commence until a scheme for the comprehensive and integrated drainage of the site indicating provision for foul water, surface water and land drainage has been submitted to and approved in writing by the Local Planning Authority. Prior to the submission of those details, an assessment shall be carried out into the potential for disposing of surface water by means of Sustainable urban Drainage Systems (SuDS) in accordance with the principles of sustainable drainage systems set out in Technical Advice Note 15: Development and Flood Risk, and the results of the assessment shall be submitted in writing to the Local Planning Authority. Where a SuDS scheme is to be implemented, the submitted details shall:

i) Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of receiving ground water and/or surface waters;

ii) Specify the responsibilities of each party for the implementation of the SuDS scheme, together with a timetable for that implementation; and,

iii) Provide a timescale for implementation, management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

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16. No part of the development shall be occupied until the sustainable drainage scheme for the site has been completed in accordance with condition no. 15. The sustainable drainage scheme shall be managed and maintained thereafter in strict accordance with the agreed management and maintenance plan.

17. Prior to commencement of any alterations to Nos. 42 - 43 Hope Street, a scheme (floor, block and elevation plans) detailing the works required to gain access through these buildings, to the rear, shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in strict accordance with the scheme as is approved.

18. Prior to installation on site, details of the proposed gates, illumination and stone street surface finish for the entrance to the Hope Street Arcade 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.

Reasons

- 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 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.
- 5.To protect the amenities of the occupiers of nearby properties in accordance with Policy GDP1 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.
12. In the interests of the amenities of the future occupants of the buildings in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
13. In the interests of highway safety in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
14. To ensure that the premises is not used at a time which would be likely to cause nuisance or disturbance to nearby residents in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
15. To ensure satisfactory drainage of the site and to avoid flooding in accordance with Policies GDP1 and EC13 of the Wrexham Unitary Development Plan.
16. To ensure satisfactory drainage of the site and to avoid flooding in accordance with Policies GDP1 and EC13 of the Wrexham Unitary Development Plan.
17. To ensure a satisfactory standard of development in the interests of the amenities of the area in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
18. To enable the control of matters not detailed in the application in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.

Notes to applicant

You are advised that building work which involves work on an existing wall shared with another property, building on the boundary with a neighbouring property or excavating near a neighbouring building may require the separate consent of the neighbour under the provisions of the Party Wall Act. If you require further information or advice please contact the Building Control Section on 01978 292050.

The permission hereby granted does not authorise encroachment upon, or interference with, the adjoining property.

The applicant is advised that compliance with condition no. 9 does not provide an exemption from the statutory noise nuisance provisions of the Environmental Protection Act 1990. Any complaints received relating to noise from the development during the permitted hours may still be investigated using the Council's Standardised Procedure for Dealing with Noise Nuisance Complaints and legal action may be taken where appropriate.

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

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

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

Further advice on compliance with condition nos. 11 and 12 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.



**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