

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

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Expiry Date: 05/07/2011
Decision Notice Sent:
27/06/2011
Grid Reference:
E 327647.68
N 352019.93



Applicant	MINERA BUILDING SUPPLIES LTD	Code No	MIN P/2011/0339
Agent	MCDYRE & CO MR G BRIDGE 18 CHURCH STREET FRODSHAM CHESHIRE WA6 6QL	Date Received	11/05/2011
		Decision Date	27/06/2011

Town and Country Planning Act, 1990

Location of application

LAND AT MINERA BUILDING SUPPLIES LTD, FIVE CROSSES
INDUSTRIAL ESTATE, MINERA, WREXHAM, LL11 3RD

Description of application

ERECTION OF THREE BUILDINGS CONTAINING 11 NO. TWO-STOREY
CLASS B1, B2 AND B8 OFFICE/WORKSHOP UNITS WITH ASSOCIATED
ACCESS, PARKING AND LANDSCAPING

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
GDP1	Development objectives
GDP2	Capacity of infrastructure and community facilities
PS1	Settlement limits
PS2	Development and the environment
T8	Parking

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

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details shown on the approved drawing(s) dated 11 May 2011 and contained within the application documentation.

3. Prior to their use on the development samples 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. Each new non-residential building hereby permitted shall be constructed to achieve a minimum [Building Research Establishment Environmental Assessment Method (BREEAM)] (or subsequent equivalent quality assured scheme) overall very good standard and achieve a minimum of 6 credits under category Ene 1 - Reduction of CO2 Emissions in accordance with the requirements of BREEAM 2008. The development shall be carried out entirely in accordance with the approved assessment and certification.

5. Construction of any building hereby permitted shall not begin until an 'Interim Certificate' has been submitted to the Local Planning Authority, certifying that a minimum BREEAM overall very good standard and a minimum of 6 credits under Ene 1 - Reduction of CO2 Emissions, has been achieved for that individual building in accordance with the requirements of BREEAM 2008.

6. Prior to the occupation of the individual building hereby permitted, a 'Final Certificate' shall be submitted to the Local Planning Authority, certifying that a minimum BREEAM overall very good standard and a minimum of 6 credits under 'Ene 1 - Reduction of CO2 Emissions' has been achieved for that building in accordance with the requirements of BREEAM 2008.

7. Within three months of commencement of development, full details of a hard and soft landscaping scheme together with a five year Maintenance Plan and timescales for implementation of works shall be submitted to and approved in writing by the Local Planning Authority.

8. The landscaping scheme submitted and approved in connection with condition no. 7 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 permanently retained. 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 and within a timescale all to be submitted to and approved in writing by the Local Planning Authority.

10. Prior to first use of the development hereby approved the vehicular access shall provide visibility splays of 2.4 metres x 116 metres to the south east and 2.4 metres x 124 metres to the north west 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

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thereafter be permanently retained clear of any such obstruction to visibility.

11. The vehicular parking and turning areas as shown on approved drawing(s) No(s). MBS/2009/182/1 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 vehicles at all times.

12. No part of the development shall commence until a scheme to deal with potential contamination at the site has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include a phased investigation approach to identify the extent of contamination and any measures required to remediate the site, including post-development monitoring.

13. No part of the development shall be occupied until a Verification Report which demonstrates that the remedial works approved as part of condition no. 12 above have been satisfactorily carried out, has been submitted to and approved in writing by the Local Planning Authority.

14. 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.

15. No part of the development shall commence until an appropriate Dust Management Scheme has been submitted to and approved in writing by the Local Planning Authority. The dust mitigation measures as are approved shall be fully implemented for the entire duration of the construction phase.

16. Noise levels arising from the development shall not exceed 55dBLAeq(60min) between 08.00 hours to 19.00 hours, Monday to Saturday, as measured at the boundary of the site.

Noise levels arising from the development shall not exceed 45dBLAeq(15min) between 19.00 hours to 08.00 hours, on any day, as measured at the boundary of the site.

Noise levels arising from the development shall not exceed 50dBLAeq(60min) between 08.00 hours to 19.00 hours, on Sundays and Bank Holidays, as measured on the boundary of the site."

17. 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.

18. No storage shall take place in the open on any part of the site.

19. The storage areas indicated on the approved plan(s) shall be used for that purpose only and for the avoidance of doubt shall not be used for any industrial or manufacturing process.

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Reason(s)

1. To comply with Section 91(3) of the Town and Country Planning Act, 1990.
2. To ensure that the development fully complies with the appropriate policies and standards.
3. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.
4. To comply with the requirements for sustainable buildings published by the Welsh Assembly Government.
5. To comply with the requirements for sustainable buildings published by the Welsh Assembly Government.
6. To comply with the requirements for sustainable buildings published by the Welsh Assembly Government.
7. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.
8. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.
9. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.
10. To ensure that adequate visibility is provided at the proposed point of access to the highway.
11. 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.
12. In the interests of the amenities of the future occupants of the buildings.
13. In the interests of the amenities of the future occupants of the buildings
14. To protect the amenities of the occupiers of nearby properties.
15. To protect the amenities of the occupiers of nearby properties.
16. To protect the amenities of the occupiers of nearby properties.
17. To protect the integrity of the public sewerage system and prevent hydraulic overloading of the public sewerage system. To protect the health and safety of existing residents and to ensure no detriment to the environment.
18. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.
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Note(s) to applicant

Further advice on compliance with condition no. 12 may be obtained by contacting the Council's Environmental Protection Team on 01978 813722. 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 on 01978 813700 prior to commencement of works on site.

The applicant is advised that compliance with condition no. 14 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.

The applicant should also be advised that the Council has the option to control construction site noise by means of a Control of Pollution Act 1974, Section 60, Notice, where deemed necessary. The applicant is advised to contact the Council's Housing and Public Protection Department on 01978 813700 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 Housing and Public Protection Department on 01978 813700 for further advice and information.

Applicants are advised that compliance with condition no. 15 does not provide an exemption from the statutory nuisance provisions of the Environmental Protection Act 1990. Under the Act dust from any type of activity can be judged to be causing a statutory nuisance to neighbouring properties. A legal

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notice can be served requiring that the 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 813700 for further advice and information.

Your attention is drawn to Highway Supplementary Notes Numbered 1, 3, 4 and 5 on the enclosed "Applicants' Rights and General Information".

You are advised that the use of renewable energy could enhance the value of your development and make savings in terms of energy costs and reduce your carbon footprint. You may wish to refer to the Council's published guidance on small scale renewable energy generation and energy efficiency. Advice is also available from a variety of sources including www.energysavingtrust.org.uk www.renewableenergycentre.co.uk

The scheme of landscaping referred to in the above conditions shall include any changes to ground levels (shown by existing and proposed contours/levels) and any existing vegetation (showing that to be retained) and proposed planting. In addition, any of the following which apply to the particular site must be included:-

means of enclosure, car parking layout, access and circulation areas, materials for hard surfaced areas, any minor structures (e.g. refuse stores, lamp columns, play equipment) location of services, and any historic landscape features to be retained/improved.

If it is proposed to provide any illuminated sign then this will require the separate written consent of this Council in order to comply with the Town and Country Planning (Control of Advertisements) Regulations, 1992.

You are advised that the planning permission hereby granted does not authorise any building over, diversion, connection or other interference with any sewer, public or private, which crosses the site. You are advised to contact Welsh Water, PO Box 10, Treharris, CF46 6XZ (Tel: 01443 331155) in this regard, prior to undertaking any groundwork in connection with the development. Should you be required to depart from the details hereby approved, you should contact the Council's planning department to seek further advice with regard to the submission of amended plans and / or a new planning application.

Please note the attached comments from Welsh Water.

The proposed development lies within an area which could be subject to current coal mining or hazards resulting from past coal mining. Such hazards

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may currently exist, be caused as a result of the proposed development, or occur at some time in the future. These hazards include:

- Collapse of shallow coal mine workings.
- Collapse of, or risk of entry into, mine entries (shafts and adits).
- Gas emissions from coal mines including methane and carbon dioxide.
- Spontaneous combustion or ignition of coal which may lead to underground heatings and production of carbon monoxide.
- Transmission of gases into adjacent properties from underground sources through ground fractures.
- Coal mining subsidence.
- Water emissions from coal mine workings.

Applicants must take account of these hazards which could affect stability, health & safety, or cause adverse environmental impacts during the carrying out their proposals and must seek specialist advice where required. Additional hazards or stability issues may arise from development on or adjacent to restored opencast sites or quarries and former colliery spoil tips.

Potential hazards or impacts may not necessarily be confined to the development site, and Applicants must take advice and introduce appropriate measures to address risks both within and beyond the development site. As an example the stabilisation of shallow coal workings by grouting may affect, block or divert underground pathways for water or gas.

In coal mining areas there is the potential for existing property and new development to be affected by mine gases, and this must be considered by each developer. Gas prevention measures must be adopted during construction where there is such a risk. The investigation of sites through drilling alone has the potential to displace underground gases or in certain situations may create carbon monoxide where air flush drilling is adopted.

Any intrusive activities which intersect, disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) require the prior written permission of the Coal Authority. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes.

Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action. In the interests of public safety the Coal Authority is concerned that risks specific to the nature of coal and coal mine workings are identified and mitigated.

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The above advice applies to the site of your proposal and the surrounding vicinity. You must obtain property specific summary information on any past, current and proposed surface and underground coal mining activity, and other ground stability information in order to make an assessment of the risks. This can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com

Officer Appointed for this purpose
Refer to the Statement of Applicant's Rights and General Information Enclosed

**Head of Community Wellbeing and Development, Lambpit Street, Wrexham,
LL11 1AR**