

Applicant MR IAN STONE

Agent GERRY KELLETT
REAL PLANNING

Reference P/2023/0846

Decision Date 03.06.2024

Town and Country Planning Act, 1990

Location of Application

CHAPTER COURT, RHOSDDU ROAD, WREXHAM, LL11 1AT

Description of Application

NEWID DEFNYDD I DDEFNYDD CYMYSG - DOSBARTH A3 (BWYTAI A CHAFFIS) A DOSBARTH D2 (YMGYNNULL A HAMDDEN), DARPARU ARDAL ADLONIAN NEWYDD AC ADEILADU TREFNIANT MYNEDIAD NEWYDD

CHANGE OF USE TO MIXED USE - CLASS A3 (RESTAURANTS AND CAFES) AND CLASS D2 (ASSEMBLY AND LEISURE), PROVISION OF EXTERNAL ENTERTAINMENT AREA AND CONSTRUCTION OF NEW ACCESS ARRANGEMENT

In reaching this decision the Council has had regard to the following relevant policies:

National Policies and Technical Advice Notes (TAN):

Future Wales Policy 6 - Town Centre First
TAN 12 : Design
TAN 18 : Transport
TAN 24 : The Historic Environment
TAN 4 : Retail and Commercial Development
TAN 5 : Nature Conservation and Planning

Wrexham Local Development Plan 2013 – 2028:

DM1- Development Management Considerations
NE1 - International and National Nature Conservation Designations
NE6 - Waste Water Treatment and River Water Quality
R1 - Retail, Leisure and Commercial Centre Hierarchy
R2 - Development within the Wrexham City Centre Masterplan Area
SP8 - Economic Growth, Employment and Enterprise
SP11 - Transport and Accessibility
SP12 - Design Principles & Masterplanning Framework

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SP13 - Health and Wellbeing
SP14 - Natural Environment
SP15 - Historic and Cultural Environment
SP18 - Climate Change
SP19 - Green Infrastructure
SP2 - Location of Development
SP7 - Wrexham City
T1 - Managing Transport Impacts

Revision	Date	Description of Decision
0	03.06.2024	Planning permission issued

Particulars of decision: GRANTED subject to the following condition(s)

- The development hereby permitted shall be commenced before the expiry of five years from the date of this permission.
- The development shall be carried out in accordance with the following approved plans and documents:
 - Application Form [Dated: 20/11/2023]
 - E001 - Site Location Plan
 - D201 - Proposed Courtyard External Elevations 02
 - D200 - Proposed Courtyard External Elevations
 - D101 - Floor Plan
 - D102 - Floor Plan
 - CTMP [By: Real Planning; Dated: January 2020]
 - Delivery & Servicing Management Plan [By: Real Planning; Dated: January 2020]
 - Drainage Strategy & Flood Consequences Assessment [By: PHG; Dated: January 2020]
 - Environmental Noise Survey [By: RBA Acoustics; Dated: 12/02/2020]
 - Ecology Survey [By: EDC; Dated: October 2019]
 - Design & Access Statement [By: CAUKIN Studio Ltd; Dated: 12/10/2023]
 - Cover Letter [By: Real Planning; Dated: 14/11/2023]
 - Email from Agent [Received: 12/04/2024]
 - D100 REV A - Plan
 - Stage 03 Developed Design REV A [By: CAUKIN Studio Ltd; Dated: 15/04/2024]
 - Dust Management Report [Ref: AS-19-1170-RPT-01 Rev 0; Dated: 14/10/2019]

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3. No development shall commence until a detailed plan to provide a net benefit for biodiversity (NBB), together with a timescale for its implementation on-site, has been submitted to and approved in writing by the Local Planning Authority.
4. The NBB scheme approved under Condition 3 shall be fully implemented within the agreed timescale, and shall thereafter be retained for the lifetime of the development.
5. The development shall be carried out in strict accordance with the findings and recommendations contained within Parts 10.3, 10.4 and 10.6 of the approved Ecology Survey. The mitigation and compensation measures hereby approved shall be fully implemented prior to first use of the development and retained thereafter.
6. 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.
7. All works in relation to the construction and 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.
8. The rating level of any noise generated by air handling plant associated with the development shall not exceed:
 1. Daytime (07:00 to 19:00) 40 dBA LAeq at 1m from any Noise Sensitive Premises
 2. Night Time (23:00 to - 07:00) 35 dBA LAeq at 1m from any Noise Sensitive PremisesThe 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.

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9. 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.The noise levels shall be measured over a 15 minute averaging period and 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.
10. The development shall be carried out strictly in accordance with the measures contained within the approved Dust Management Report, and the measures shall be fully implemented throughout the course of construction works.
11. The rating level of any noise generated by air handling plant associated with the development shall not exceed the pre-existing background level 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 Methods for Rating and Assessing Industrial and Commercial Sound.
12. Prior to first use of the development a suitable grease trap shall be provided in order to prevent entry into the public sewerage system of matter (cooking fats, oils and grease etc.) likely to interfere with the free flow of the sewer contents, or which would prejudicially affect the treatment and disposal of such contents. The grease trap shall thereafter be permanently retained in a working condition.

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13. 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 system design shall have regard to the guidance set out in EMAQ Report - Control of Odour and Noise from Commercial Kitchen Exhaust Systems (Update to the 2004 report prepared by NETCEN for DEFRA). The approved details shall be fully implemented prior to first use of the development and shall thereafter be permanently retained in an effective condition.
14. No surface water from any increase in the roof area of the building /or impermeable surfaces within its curtilage shall be allowed to drain directly or indirectly to the public sewerage system.
15. No use of the development shall be made before 0800 or after 2300 hours on any day.

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 the development delivers net benefit to biodiversity in accordance with Policy 9 of Future Wales and Paragraph 6.4.5 of Planning Policy Wales (Edition 12).
- 4 To ensure the development delivers net benefit to biodiversity in accordance with Policy 9 of Future Wales and Paragraph 6.4.5 of Planning Policy Wales (Edition 12).
- 5 In the interests of ecology in accordance with Policy SP14 of the Wrexham LDP.

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- 6 To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policy DM1 of the Wrexham Local Development Plan.
- 7 To protect the amenities of the occupiers of nearby properties in accordance with Policy DM1 of the Wrexham LDP.
- 8 To protect the amenities of the occupiers of nearby properties in accordance with Policy DM1 of the Wrexham LDP.
- 9 To protect the amenities of the occupiers of nearby properties in accordance with Policy DM1 of the Wrexham LDP.
- 10 To protect the amenities of the occupiers of nearby properties in accordance with Policy DM1 of the Wrexham LDP.
- 11 To protect the amenities of the occupiers of nearby properties in accordance with Policy DM1 of the Wrexham Local Development Plan.
- 12 To prevent pollution of the water environment in accordance with Policy DM1 of the Wrexham Local Development Plan.
- 13 To protect the amenities of the occupiers of nearby properties in accordance with Policy DM1 of the Wrexham Local Development Plan.
- 14 To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.
- 15 To ensure that the premises are not used at a time which would be likely to cause nuisance or disturbance to nearby residents in accordance with Policy DM1 of the Wrexham LDP.

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Note(s) to applicant

*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.

*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 Environmental Health & Housing Standards Team on healthandhousing@wrexham.gov.uk or 01978 292040 for further advice and information.

*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.



David Fitzsimon

***Prif Swyddog Yr Economi a Chynllunio, Cyngor Bwrdeistref Sirol Wreccsam
Chief Officer Economy and Planning, Wrexham County Borough Council***

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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Refer to Statement of Applicant's Rights and General Information on our planning web site at:-

[Planning and building control | Wrexham County Borough Council](#)