In pursuance of its powers under the Acts an 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

wrexham
COUNTY BOROUGH COUNCIL
CYNGOR BWRDEISTREF SIROL
wrecsam

Applicant Mr David Mort

Reference P/2024/1216

Agent Mr Dennis Sherlock
2 Hawkstone Court
Weston-Under-
Redcastle Shrewsbury
SY4 5XG

Date Received 09/05/2024

Decision Date 21/08/2024

Town and Country Planning Act, 1990

Location of Application

LAND ADJACENT TO AVONDALE, NEW HALL LANE, BRONINGTON, WHITCHURCH, WREXHAM, SY13 3HE

Description of Application

CAIS AMLINELLOL AR GYFER CODI ANNEDD (CADW POB MATER) / OUTLINE APPLICATION FOR ERECTION OF DWELLING (ALL MATTERS RESERVED)

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

National Policies and Technical Advice Notes (TAN):

TAN5 – Nature Conservation and Planning
TAN12 – Design
TAN18 – Transport

Wrexham Local Development 2013 – 2028:

DM1- Development Management Considerations
NE1 - International and National Nature Conservation Designations
NE3 -Trees, Woodlands and Hedgerows
NE6 - Waste Water Treatment and River Water Quality
SP11 - Transport and Accessibility
SP12 - Design Principles & Masterplanning Framework
SP14 - Natural Environment
SP19 - Green Infrastructure
T1 - Managing Transport Impacts
T2 - Active Travel

Revision	Date	Description of Decision
0	21/08/2024	Planning permission issued

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Particulars of decision : GRANTED subject to the following:-

Condition(s)

1. Details of the access, appearance, landscaping, layout, and scale, (hereinafter called “the reserved matters”) shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

2. Any application for approval of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this permission.

3. The development hereby approved shall be commenced before the expiry of five years from the date of this permission or before the expiry of two years from the date of approval of the last of the reserved matters required to be approved, whichever is the later.

4. The reserved matters application shall be accompanied by a plan to provide net benefit for biodiversity (NBB) i.e. a better outcome than if the site was left undeveloped. The plan shall be based on, but not limited to, the details contained in the Green Infrastructure Statement and Net Biodiversity Benefit document dated 10th July 2024. The measures shall be implemented in full, prior to first occupation / use of the development, and thereafter maintained for the lifetime of the development.

5. The reserved matters application shall include details of secure on-site bicycle parking facilities for at least two bicycles. The approved facilities shall erected prior to the first occupation of the development and shall thereafter be permanently retained and kept free of any obstruction, and made available solely for the parking of bicycles.

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6. No development shall take place until a scheme for the drainage of foul water and surface water has been submitted to and approved in writing by the Local Planning Authority. Foul and surface water shall be drained separately. The approved scheme shall be implemented prior to the first use/occupation of the development.

7. The reserved matters application shall be accompanied by an Arboricultural Method Statement. No development or other operations shall take place except in strict accordance with Method Statement as is approved. The Method Statement shall include the following:
1) A specification for tree protection fencing and ground protection measures that comply with British Standard 5837:2012;
2) 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;
3) 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;
4) Details of general arboricultural matters including proposed practices with regards to cement mixing, material storage and fires;
5) Method for protecting retained trees during demolition works;
6) Details of all proposed tree works, including felling and pruning.

8. No private surface water run off shall be permitted to flow from the development site onto the adjoining highway. An Aco drain or similar shall be provided across the approved access to intercept any such run off prior to first use of the development and thereafter permanently retained.

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9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any Order revoking and re-enacting that Order with or without modification), no fences, gates or walls shall be erected within shall be erected, constructed or placed across the access within 5 metres of the highway boundary.

Reason(s)

1. To comply with the provisions of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012.

2. To comply with Section 92 of the Town and Country Planning Act, 1990.

3. To comply with Section 92 of the Town and Country Planning Act, 1990.

4. To ensure the development delivers net benefit to biodiversity in accordance with paragraph 6.4.5 of Planning Policy Wales 12.

5. To assist occupiers/users of the development to make sustainable transport choices in accordance with Policy DM1 of the Wrexham Local Development Plan.

6. 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 in accordance with Policy DM1 of the Wrexham Local Development Plan.

7. To preserve the health, safety and amenity value of the tree(s) in accordance with Policies DM1, SP12, SP14 and NE3 of the Wrexham Local Development Plan.

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8. In the interests of highway safety in accordance with Policy DM1 of the Wrexham Local Development Plan.

9. In the interests of highway safety in accordance with Policy DM1 of the Wrexham Local Development Plan.

Note(s) to applicant

All works in relation to the implementation of this permission, including deliveries to and /or leaving the site, should be undertaken only between the hours of 07.30 to 18.00 Monday to Friday, 08.00 to 14.00 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 is further advised that any complaints received relating to noise of any type from the development may also be investigated using the Council's Standardised Procedure for Dealing with Noise Nuisance Complaints. This is done under the Statutory Nuisance provisions provided within the Environmental Protection Act 1990, and legal action may be taken where appropriate.

The applicant must adhere to the times given above wherever possible. If, however, there are urgent or unavoidable circumstances requiring work outside of the specified times, permission to proceed may be sought by contacting Environmental Health & Housing Standards at healthandhousing@wrexham.gov.uk or 01978 292040. Please use the same contact details for any other enquiries regarding construction / demolition site noise.

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.

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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 Applicant is advised that under the 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 Environmental Health & Housing Standards Team on healthandhousing@wrexham.gov.uk or 01978 292040 for further advice and information.

Any access proposed for the site should be a minimum of 3.2m wide and provide unobstructed visibility splays of 2.4m x 25m in both directions measured from the nearside edge of the adjoining highway.

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David Fitzsimon
Prif Swyddog Yr Economi a Chynllunio, Cyngor Bwrdeistref Sirol Wrecsam
Chief Officer Economy and Planning, Wrexham County Borough Council

Refer to Statement of Applicant's Rights and General Information on our planning web site at:-
Planning and building control | Wrexham County Borough Council