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 CAMERON AND PAULINE ROBSON

Agent MR TOBY SOUTHGATE
ARCHITECTURE WORKS LTD
THE COACH HOUSE
WARRINGTON ROAD
CHESTER
CH2 4EA

Reference P/2023/0756

Date Received 19/10/2023

Decision Date 18/06/2024

Town and Country Planning Act, 1990

Location of Application

INGLEDENE, WYNNSTAY LANE, MARFORD, WREXHAM, LL12 8LF

Description of Application

DYMCHWEL GAREJIS PRESENNOL, CODI ANNEDD A CREU MYNEDIAD NEWYDD I GERBYDAU

DEMOLITION OF EXISTING GARAGES, ERECTION OF DWELLING AND FORMATION OF NEW VEHICULAR ACCESS

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

National Policies and Technical Advice Notes (TAN):

Future Wales Policy 13 - Supporting Digital Communications

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
SP12 - Design Principles & Masterplanning Framework
SP14 - Natural Environment
SP2 - Location of Development
T1 - Managing Transport Impacts

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Revision	Date	Description of Decision
0	18/06/2024	Planning permission issued

Particulars of decision : 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 details shown on the approved drawing(s) numbered L01 Rev F, L03 Rev C and L04 Rev C, and as contained within the application documentation.
3. Prior to their use on the development samples of all external facing and roofing materials (including windows, doors, ridge tiles etc.), and all hard landscaping and boundary treatment 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. No part of the development shall commence until a noise survey has been carried out, and a detailed report of the survey findings has been submitted to, and approved in writing by, the Local Planning Authority. The noise survey shall determine noise levels for both Day (07:00 - 23:00 hours) and Night (23:00 - 07:00 hours), having regard to Planning Policy Wales (PPW) Guidance, Technical Advice Note (TAN) 11 - Noise. The report of the noise survey findings shall include:
   a) Noise levels arising from day / night time activities in the vicinity of the proposed development site and the impact upon the existing or proposed accommodation, and
   b) A detailed scheme of noise insulation and / or attenuation measures so designed to safeguard the amenity of the existing or occupants of the proposed accommodation hereby approved.
   The measures as are approved shall be fully implemented prior to the first occupation / use of the development.
5. 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.

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6. No development shall commence until a detailed plan to provide net benefit for biodiversity (NBB) has been submitted to and approved in writing by the Local Planning Authority. The measures shall be fully implemented as approved prior to the first beneficial use of the development and shall be retained thereafter for the lifetime of the development.
7. No part of the development shall commence until full details of a hard and soft landscaping scheme, to include details of all boundary treatment and tree planting, together with a timescale for the implementation of works and 10 year management plan, have been submitted to, and approved in writing by, the Local Planning Authority. The landscaping and boundary treatment scheme shall be fully implemented and managed in strict accordance with the approved plans.
8. The planting and boundary scheme implemented in connection with condition no. 7 shall be permanently retained. Any planting which becomes 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 within the next available planting season by trees or shrubs of similar size and species to those originally required to be planted.
9. Development shall not commence until a scheme to enable the provision of Gigabit capable broadband infrastructure from the site boundary to the dwelling hereby permitted has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the first occupation of the dwelling.
10. No part of the development shall commence until a Construction Traffic Management Plan including provisions for contractor parking has been submitted to and approved in writing by the Local Planning Authority and the Plan as is approved has been fully implemented.
11. The vehicular parking and turning areas as shown on approved drawing no. L01 Rev F 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.

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12. Prior to first use of the development hereby approved, pedestrian visibility splays at the access points shall be established, measured from the centreline of the vehicular accesses 2.4 metres back from the back edge of the footway to points 3.3 metres either side measured along the back edge of the footway. Within these splays there shall be no obstruction in excess of 0.6 metres in height above the level of the adjoining highway. The splays shall thereafter be permanently retained clear of any such obstruction to visibility.
13. Prior to first use of the development, the vehicular accesses shall be surfaced with hard bound materials (e.g. bituminous macadam) for a minimum distance of 5 metres behind the adjoining highway.
14. There shall be no gates or other means of enclosure across the vehicular access points within 5 metres of the highway boundary.
15. 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 points to intercept any such run off prior to first use of the development.
16. 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.
17. No shrub or tree removal approved as part of this application shall take place between the months of March and September (inclusive).

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 Policy DM1 of the Wrexham Local Development Plan.
4. To protect the amenities of the occupiers of nearby properties in accordance with Policy DM1 of the Wrexham Local Development Plan.
5. 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.
6. 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).

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7. 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.
8. 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.
9. To support the roll-out of digital communications infrastructure across Wales in accordance with Policy 13 of Future Wales.
10. In the interests of highway safety in accordance with Policy DM1 of the Wrexham Local Development Plan.
11. To provide for the parking of vehicles clear of the highway in accordance with Policies DM1 and T1 of the Wrexham Local Development Plan.
12. To ensure that adequate visibility is provided at the proposed point of access to the highway in accordance with Policy DM1 of the Wrexham Local Development Plan.
13. To ensure that no deleterious material is carried onto the highway, in the interests of highway safety in accordance with Policy DM1 of the Wrexham Local Development Plan.
14. In the interest of the free and safe movement of traffic on the adjacent highway and to ensure the formation of a safe and satisfactory access in accordance with Policy DM1 of the Wrexham Local Development Plan.
15. In the interests of highway safety in accordance with Policy DM1 of the Wrexham Local Development Plan.
16. 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.
17. To ensure that the development does not harm the conservation of wildlife in accordance with Policies SP14 and NE3 of the Wrexham Local Development Plan.

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Note(s) to applicant

The applicant is advised that some public sewers and lateral drains may not be recorded on Dwr Cymru Welsh Water maps; some sewers 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 Dwr Cymru Welsh Water 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.

The applicant may also 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.
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.

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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.

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.

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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
Detailed advice has been issued by Natural Resources Wales (NRW) which is available on the Council's planning applications website.

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 in connection with condition no. 15. Further guidance can be obtained from the Highway Authority of Wrexham County Borough Council on telephone 01978 729670.

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 298884. The permission hereby granted does not authorise encroachment upon, or interference with, the adjoining property.

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

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