

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 ANDREW BRODERICK

Reference P/2024/0337

Agent MR NEIL FOXALL
NJ PLANNING LTD
C/O FIRST FLOOR
UNIT 55
FFORDD WILLIAM MORGAN
ST ASAPH BUSINESS PARK
ST ASAPH LL17 0JG

Date Received 25/04/2024

Decision Date 10/10/2024

Town and Country Planning Act, 1990

Location of Application

OVERDALE MARFORD HILL MARFOED WREXHAM LL12 8SY

Description of Application

DYMCHWEL ANNEDD BRESENNOL A CHODI ANNEDD NEWYDD GYDA
DATBLYGIAD CYSYLLTIEDIG / DEMOLITION OF EXISTING DWELLING AND
ERECTION OF NEW DWELLING WITH ASSOCIATED DEVELOPMENT

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

National Policies and Technical Advice Notes (TAN):

TAN 12 : Design

TAN 18 : Transport

Wrexham Local Development 2013 – 2028:

DM1 - Development Management Considerations

NE1 - International and National Nature Conservation Designations

NE2 - Local Designations for Nature Conservation and Geological Importance

NE3 - Trees, Woodlands and Hedgerows

NE4 - Area of Outstanding Natural Beauty

NE6 - Waste Water Treatment and River Water Quality

SP1 - Housing Provision

SP12 - Design Principles & Masterplanning Framework

SP14 - Natural Environment

SP19 - Green Infrastructure

SP2 - Location of Development

T1 - Managing Transport Impacts

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Revision	Date	Description of Decision
0	10/10/2024	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 following plan(s) and document(s):
001 P02
002 P02
003 P01
004 P01
BR-2024-Overdale- PL01
BR-2024-Overdale- PL02
BR-2024-Overdale- PL03A
BR-2024-Overdale- PL04
BR-2024-Overdale- PL05B
BR-2024-Overdale- PL06
BR-2024-Overdale- PL07
BR-2024-Overdale- PL08B
BR-2024-Overdale- PL09A
BR-2024-Overdale- PL10.
3. The external surfaces of the building(s) shall be constructed of the materials specified on plan refs:
BR-2024-Overdale- PL02
BR-2024-Overdale- PL03A
BR-2024-Overdale- PL04
BR-2024-Overdale- PL05B.

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4. No development shall take place until an Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. 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.
5. Within six months of the first use of the development, trees and shrubs shall be planted on the site in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority.
6. Within three months of commencement of development a scheme of boundary treatment shall be submitted for the written approval of the Council. The scheme as approved shall be implemented prior to the first occupation of the development hereby permitted and shall thereafter be retained.

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7. The existing western boundary trees and hedges as shown on plan refs: BR-2024-Overdale- PL09A and BR-2024-Overdale- PL10 shall be permanently retained.
8. 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.
9. The development shall be carried out in strict accordance with the findings and recommendations contained within the submitted Preliminary Ecological Assessment, Proposed Building Demolition & Reconstruction, 3rd April 2024, by Cambrian Ecology Ltd. The mitigation and compensation measures hereby approved shall be fully implemented prior to first use of the development.
10. The vehicular parking and turning areas as shown on the plans(s) numbered BR-2024-Overdale-PL09A shall be fully laid out, surfaced and drained prior to first use of the development. This area shall thereafter be permanently retained and kept free of any obstruction, and made available solely for the parking of vehicles at all times.
11. The premises shall only be used for as a single dwelling and for no other purpose (including any other purpose in Class C5 and C6 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that order with or without modification).

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12. With the exception of those shown on plan refs: BR-2024-Overdale-PL02, BR-2024-Overdale-PL03A, BR-2024-Overdale-PL04 and BR-2024-Overdale-PL05, and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking, re-enacting that Order with or without modification) no windows or other openings shall be inserted in any elevation of the development.
13. The development hereby permitted shall not be occupied until the measures to deliver net benefit for biodiversity (NBB) shown on plan ref: BR-2024-Overdale- PL02, BR-2024-Overdale- PL03A, BR-2024-Overdale- PL04 and BR-2024-Overdale- PL05B have been implemented in full. The measures shall thereafter be maintained for the lifetime of the development.

Reason(s)

- 1 To comply with Section 91(3) of the Town and Country Planning Act, 1990.
- 2 To comply with Section 91(3) 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 DM1, SP12 and SP14 of the Wrexham Local Development Plan.
- 4 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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- 5 To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DM1, SP12 and SP14 of the Wrexham Local Development Plan.
- 6 To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DM1, SP12 and SP14 of the Wrexham Local Development Plan.
- 7 To preserve the health, safety and amenity value of the tree(s) and safeguard residential amenity in accordance with Policies DM1, SP14 and NE3 of the Wrexham Local Development Plan.
- 8 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.
- 9 In order to protect wildlife interests in accordance with Policies DM1 and SP14, NE1 and NE2 of the Wrexham Local Development Plan.
- 10 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 in accordance with Policies DM1 and T1 of the Wrexham Local Development Plan
- 11 In the interest of traffic safety in accordance with Policies DM1 and T1 of the Wrexham Local Development Plan

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- 12 To protect the amenities of the occupiers of nearby properties in accordance with Policy DM1 of the Wrexham Local Development Plan.
- 13 To ensure the development delivers net benefit to biodiversity in accordance with paragraph 6.4.5 of Planning Policy Wales 12.

Note(s) to applicant

You should check carefully that the levels agreed as part of this permission are complied with. Any divergence from these levels is likely to invalidate your permission and could result in enforcement action which could require demolition of the building(s).

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.

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.

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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.

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.

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In line with the Welsh Government's decarbonisation targets, Welsh Government published the Electric Vehicle Charging Strategy, setting out its plans for charging electric cars and vans in Wales. In the interest of supporting and encouraging low emission vehicles, in the interest of air quality enhancement, and to comply with the aims and objectives of the Electric Vehicle Charging Strategy, we encourage the provision of electric vehicle charge points and recommend the following minimum standard for numbers and power output:

- One Standard Electric Vehicle Charging Point providing a continuous supply of at least 16A (3.5kW) for at least 10% of parking spaces;
- A Standard Electric Vehicle Charging Point is one which is capable of providing a continuous supply of at least 16A (3.5kW) and up to 32A (7kW). The higher output is more likely to be futureproof;
- The electrical supply of the final installation should allow the charging equipment to operate at full rated capacity;
- The installation must comply with all applicable electrical requirements in force at the time of installation.

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

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

Some public sewers and lateral drains may not be recorded on Dwr Cymru Welsh Water's maps of public sewers because they 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, the applicant is advised to contact the Operations Contact Centre at Dwr Cymru on 0800 085 3968 to establish the location and status of the sewer.

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If a connection is required to the public sewerage system, the developer is advised to contact Dwr Cymru Welsh Water's Network Development Consultants on 0800 917 2652.

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 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.

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

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 Wreccsam
Chief Officer Economy and Planning, Wrexham County Borough Council***

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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](#)