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 Rafela and Sophie Fitzhugh

Agent Mr Steven Grimster
5 Portal Business Park, Eaton Lane, Tarporley, CW6 9DL

Reference P/2024/1056

Date Received 10/06/2024

Decision Date 25/11/2024

Town and Country Planning Act, 1990

Location of Application

LAND ADJACENT TO THE BROW, WREXHAM ROAD, OVERTON, WREXHAM, LL13 0HF

Description of Application

CODI ANNEDD GYDA GAREJ AR WAHÂN
ERECTION OF DWELLING WITH DETACHED GARAGE

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
TAN 24 : The Historic Environment
TAN 5 : Nature Conservation and Planning

Wrexham Local Development 2013 – 2028:

DM1 - Development Management Considerations
MW1 - Minerals Safeguarding
NE1 - International and National Nature Conservation Designations
NE2 - Local Designations for Nature Conservation and Geological Importance
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
SP15 - Historic and Cultural Environment
SP16 - Minerals Supply and Safeguarding
SP19 - Green Infrastructure

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SP2 - Location of Development
T1 - Managing Transport Impacts

Revision	Date	Description of Decision
0	25/11/2024	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.

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2. The development shall only be carried out in strict accordance with the details shown on the following plan(s) and document(s):
   - Block and Location Plans, Drawing No. L01 dated 20 Nov 24;
   - Proposed General Arrangement, Drawing No. GA01 Rev A;
   - Proposed Site Plan, Drawing No. ST01 Rev A;
   - Proposed Side View in Context With Houses on Willow Street, Drawing No. SC01 dated 17 May 24;
   - Green Infrastructure Statement dated 08 November 2024;
   - Proposed Landscape Plan, Drawing No. 350/LAND/L/100 Revision P01;
   - Planting Plan, Drawing No. 350/LAND/L/200 Revision P01;
   - Planting Schedule, Specification, Implementation and Maintenance Plan, Drawing No. 350/LAND/L/400 Revision P01;
   - Arboricultural Impact Assessment & Method Statement dated May 2024;
   - Heritage Impact Assessment dated May 2024;
   - Drainage Strategy Ref: 95018-RP-D-0001 Rev P01 dated May 2024;
   - Highway Access Report dated May 2024;
   - Ecological Appraisal ref: RHE.4069;
   - Bat Activity Appraisal dated 03 October 2024.

3. No development shall take place 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 agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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4. The development hereby permitted shall not be occupied until the measures to deliver net benefit for biodiversity (NBB) detailed in the Green Infrastructure Statement dated 08 November 2024 have been implemented in full. The measures shall thereafter be maintained for the lifetime of the development.

5. No works shall commence until the following details have been submitted to and approved in writing by the Local Planning Authority. The details shall fully describe the proposed materials and decorative/protective finishes.
   - Details of all proposed windows and doors;
   - Details of all external materials.

   The works shall only be carried out in strict accordance with such details as are approved.

6. Prior to first use of the vehicular access hereby approved, the access shall be surfaced with hard bound materials (e.g. bituminous macadam) for a minimum distance of 5 metres behind the adjoining highway.

7. Prior to the first use of the development, a pavement crossing to the site shall be constructed in strict accordance with a scheme that has been first submitted to and approved in writing by the Local Planning Authority.

8. Prior to first use of the development hereby permitted the vehicular access shall provide visibility splays of 2.4 metres x 25 metres in both directions measured to the nearside edge of the adjoining highway. Within these splays there shall be no obstruction in excess of 1 metre in height above the level of the nearside edge of the adjoining highway. The splays shall thereafter be permanently retained clear of any such obstruction to visibility.

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9. 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.

10. 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.

11. Development shall not commence on the site until the sewerage system in the locality has been upgraded in accordance with the details given in the letter from Dwr Cymru Welsh Water dated 22/07/2024, ref: PLA0081223.

12. No development shall commence until an Ecological Management and Monitoring Plan has been submitted to and approved in writing by the Local Planning Authority. The Management Plan shall include agreement for the approved landscaping scheme to be retained in perpetuity.

13. No external illumination within the site shall take place before a lighting scheme has been submitted to and agreed in writing by the Local Planning Authority. The lighting scheme shall be installed and operated in accordance with the approved details. No other lighting shall be used on any external part of the development.

14. The development shall be carried out in strict accordance with the recommendations outlined in Section 5 of the Bat Activity Appraisal dated 03 October 2024 and the Mitigation and Enhancement Measures outlined in Section 5.2 of the Ecological Appraisal ref: RHE.4069. The mitigation measures and recommendations hereby approved shall be fully implemented prior to first use of the development.

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15. Notwithstanding the provisions of Schedule 2, Part 1, Classes A, B, C, D and E 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 extensions to the dwelling[s] shall take place and no outbuildings erected.

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 support the roll-out of digital communications infrastructure across Wales in accordance with Policy 13 of Future Wales.

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

5 To ensure the works would not be of detriment to the setting or historic significance of heritage assets in accordance with Policies DM1 and SP15 of the Wrexham Local Development Plan.

6 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.

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

8 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.

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

10 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.

11 To prevent 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 or the River Dee and Bala Lake SAC, having regard to Policies NE1 and NE6 of the Wrexham Local Development Plan.

12 In order to protect wildlife interests in accordance with Policies DM1 and SP14, NE1 and NE2 of the Wrexham Local Development Plan.

13 In order to protect wildlife interests in accordance with Policies DM1 and SP14, NE1 and NE2 of the Wrexham Local Development Plan.

14 In order to protect wildlife interests in accordance with Policies DM1 and SP14, NE1 and NE2 of the Wrexham Local Development Plan.

15 In order to ensure that development of the site does not have a detrimental impact on the character of the area or the setting and character of heritage assets, having regard to Policies DM1 and SP15 of the Wrexham Local Development Plan.

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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.

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.

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.

A licence should be obtained (as required by section 184 of the Highways Act 1980) from the Highway Authority in order to surface the existing shared access. Further guidance can be obtained from the Highways Department of Wrexham County Borough Council on telephone 01978 729670.

In the interests of maintaining highway safety, and to avoid obstruction of the public highway (in contravention of the Highways Act), The Applicant is advised to coordinate with the highway authority at highwayroadworks@wrexham.gov.uk in advance of commencement of the development/works with respect to:
1. Skip, scaffolding, hoarding or A frame/signage (Permit required for these items, if on the public highway);
2. Use of a parking space for a set down/delivery area;
3. Record a dilapidation survey of the adjacent carriageway prior to commencement (to avoid being ask to repair damage by the Applicant whilst carrying out their works);
4. If any lane closure or obstruction of the highway is required for a crane or similar;
5. Protection against dust and debris blowing onto the public highway;
6. Construction traffic parking locally avoiding nuisance to others;
7. If the Applicant's scope of work includes new apparatus in the highway, such as new mains services then a Section 50 licence will be required. Insurances and demonstration of competency to carry out works in the public highway will be required;

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8. Lowering of kerbs or minor pavement alterations require Section 184 agreement. Insurances and demonstration of competency to carry out works in the public highway will be required;
9. A section 278 agreement works agreement is required for more significant alterations to the existing highway;
10. Any temporary works affecting traffic lights, [pedestrian/cycle road crossings, or bus stops require pre-planning and permits;
11. For applications with a private driveway (either existing or proposed) connecting onto the public highway, the following conditions of approval apply:

- No surface water from the applicants site should be allowed to drain onto the public highway;
- The first 5m* minimum (for residential property) should be hard paved, avoiding gravel or loose chippings form spreading;
- No gate should be built in a location where it would result in a car obstructing the highway whilst being unlocked, and it should not swing out and over a pavement or any other part of the highway.

*The hard paved length and set back if required is subject to the applicants proposed vehicular length.

The applicants should allow a minimum of 4 weeks' notice for any of the above standard requirements, and 6-8 weeks for lane closures & road closures (lead times may change without notice subject to workload and complexity). Any works involving Trunk roads should be coordinated separately and directly with the North & Mid Wales trunk Road Agency. For larger sites with a significant impact upon the highway, a Construction Traffic Management Plan will be required.

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

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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