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 TIM WALKER

Reference P/2024/0255

Agent STUART HATHERALL
BLUEPRINT ARCHITECTURAL SERVICES
Office 34K
Redwither Tower
Wrexham Industrial Estate
Wrexham
LL13 9XT

Date Received 28/03/2024

Decision Date 07/10/2024

Town and Country Planning Act, 1990

Location of Application

HILLSIDE, ERBISTOCK, WREXHAM, LL13 0DW

Description of Application

CHODI ANNEDD NEWYDD / ERECTION OF REPLACEMENT DWELLING

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
H1 - Housing Allocations
H7 - Housing in the Countryside
H8 - Replacement Dwellings in the Countryside
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
SP15 - Historic and Cultural Environment
SP19 - Green Infrastructure

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SP2 - Location of Development
T1 - Managing Transport Impacts

Revision	Date	Description of Decision
0	07/10/2024	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):
W202/004 Rev C - Site and location Plan received by the LPA on the 02.10.2024
W202/002 Rev E - Proposed plans and elevations received by the LPA on the 24.09.2024

3. Prior to the commencement of the development hereby permitted, samples of the materials to be used in the construction of the external surfaces of the development shall have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

4. The development hereby permitted shall not be occupied until the measures to deliver net benefit for biodiversity (NBB) shown on W200/002 Rev E and W202/004 Rev C have been implemented in full. The measures shall thereafter be maintained for the lifetime of the development.

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5. The development shall be carried out in strict accordance with the findings and recommendations contained within **Inspection and Assessment in relation to bats and breeding birds,** prepared by Tyrer Ecological Consultants Ltd (August 2023)
Dusk Survey Results, prepared by Tyrer Ecological Consultants Ltd (September 2023)

   The mitigation and compensation measures hereby approved shall be fully implemented prior to first use of the development.

6. 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.

7. 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.

8. Prior to first use of the development hereby permitted the vehicular access shall provide visibility splays of 2.4 metres x 10 metres in both directions measured to the centreline of the adjoining highway. Within these splays there shall be no obstruction in excess of 1 metre in height above the level of the adjoining highway. The splays shall thereafter be permanently retained clear of any such obstruction to visibility.

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9. The vehicular parking and turning areas as shown on the plans(s) numbered W202/004 Rev C 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.

10. There shall be no gates or other means of enclosure across the vehicular access point within 5 metres of the highways boundary.

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

12. 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.

13. Prior to first use of the development on-site bicycle parking facilities shall be provided in strict accordance with a scheme that shall have first been submitted to and approved in writing by the Local Planning Authority. The facilities shall thereafter be permanently retained and kept free of any obstruction, and made available solely for the parking of bicycles.

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14. No part of the development shall commence until a suitably scaled plan indicating a suitable waste / recycling storage / collection area including details of all proposed water / recycling storage bins for both the existing dwelling and proposed holiday let has been submitted to and approved in writing by the Local planning Authority and the plan as approved has been fully implemented. This must be located in close proximity to the highway but must not impede vehicular access or impede visibility from the access.

15. No development shall commence, including any works of demolition, until a Construction Traffic Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The approved statement shall be adhered to throughout the construction period.

16. Prior to the use hereby approved commencing, the domestic sewage treatment plant shall be installed and made operational in accordance with plan reference W202/004 Rev C and Ensign domestic sewage treatment plant brochure.

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17. No development shall take place until a programme of building recording and analysis, equivalent to an Historic England Level 2 building survey, has been secured and implemented, in accordance with a brief issued by the local planning authority and a written scheme of investigation which has been submitted and approved in writing by the local planning authority. The survey will be completed by a professional archaeological contractor.

    The programme of building analysis and recording must meet the standards laid down by the Chartered Institute for Archaeologists in their Standard and Guidance for the archaeological investigation and recording of standing buildings or structures.

    A copy of the resulting report should be submitted to the local planning authority and the development control archaeologist, Heneb: Clwyd-Powys Archaeology via neil.bayliss@cpat.org.uk (07496 984393)

    On approval by the local planning authority, project data must be submitted and approved for inclusion in the Heneb; Clwyd-Powys Archaeology Historic Environment Record [CPA HER]. For any questions regarding this submission process, please contact the HER Team at her@cpat.org.uk. The full digital archive must also be submitted and approved for inclusion within the National Monuments Record, RCAHMW or the Archaeology Data Service, ADS.

18. Within three months of commencement of the development hereby permitted, a scheme of landscaping shall be submitted for the written approval of the Local Planning Authority.

19. The development shall be carried out in strict accordance with the findings and recommendations contained within Arboricultural Impact Assessment ref AIA/HEB/07/24, prepared by Shields Arboicultural Consultancy.

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20. Prior to the first occupation of the dwelling hereby approved, the property known as Hillside as shown on plan reference W/202/004 Rev C shall be demolished in full and the land made good and retained for the parking of vehicles in accordance with plan reference W/202/004 Rev C.

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

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

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

7 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.

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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.

9 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

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

11 To ensure the formation of a safe and satisfactory access in accordance with Policy DM1 of the Wrexham local Development Plan.

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

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

14 To ensure a suitable location for waste collection is provided on site which does not obstruct the highway and to ensure compliance 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 ensure adequate drainage for the proposed development and to ensure compliance with Policy NE6 of the Wrexham Local Development Plan.

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17 To allow an adequate analytical record of the building to be made, before alteration, to ensure that its origins, use, and development are understood and the key features, character and state of preservation are recorded.

18 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.

19 To preserve the health, safety and amenity value of the trees in accordance with Policies DM1, SP12, SP14 and NE3 of the Wrexham Local Development Plan.

20 For the avoidance of doubt and to ensure that the development accords with Policy SP2 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.

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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.

Verge Crossing licence
A license should be obtained (as required by section 184 of the Highways Act 1980) from the Highways Authority in order to cross the verge at the new access position. Further guidance can be obtained from the Highways Department of Wrexham County Borough Council on telephone 01978 729670.

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.

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Highways informative

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.
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.

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*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.

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.

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