**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**

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Expiry Date: 24/07/2007
Decision Notice Sent Date: 26/07/2010
Grid Reference: E 331720
N 348650

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| **Applicant** | Countryside Properties (Northern) Ltd | **Code Number** | ESC P/2007/0686 |
| **Agent** | Countryside Properties (Northern) Ltd<br>Lakeside Drive<br>Centre Park<br>Warrington<br>WA1 1RW | **Date Received** | 30/05/2007 |
| | | **Decision Date** | 01/07/2010 |

**Town and Country Planning Act, 1990**

**Location of application**

Land At, Wrexham Road, Rhostyllen, Wrexham

**Description of application**

Residential development (223 dwellings) and construction of new vehicular and pedestrian accesses (granted in outline under code no P/2004/0940 and subsequently varied under code no. P/2008/1063)

**Submission of Reserved Matters pursuant to Outline Planning Permission Code No. P/2008/1063 Granted on 01/12/2008 and in accordance with the conditions attached to that permission**

In reaching this decision the Council has had regard to the relevant policies in the Wrexham Unitary Development Plan which are as follows:-

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| CLF5 | Open space requirements from new residential developments |
| CLF6 | Informal recreation - rights of way |
| EC12 | Development and flood risk |
| EC4 | Hedgerows, Trees and Woodland |
| EC6 | Biodiversity Conservation |
| GDP1 | Development objectives |
| GDP2 | Capacity of infrastructure and community facilities |
| H1 | Housing allocations |
| H7 | Affordable housing within new developments |
| PS1 | Settlement limits |
| PS11 | Biodiversity |
| PS2 | Development and the environment |

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| PS4 | Settlement Pattern |
| PS5 | Strategic housing provision |
| T1 | Public transport |
| T6 | Primary and core highway network |
| T8 | Parking |
| T9 | Walking, cycling and horse riding routes |

**Particulars of decision APPROVAL of reserved matters**

**Subject to the following:-**

**Condition(s)**

1. Prior to their use on the development samples of all external facing and roofing 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.
2. Development shall only be carried out in strict accordance with the approved plans unless the prior written approval of the Local Planning Authority has been obtained.
3. This permission shall operate only to allow development to be carried out in accordance with the approved drawings and the application documentation. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, no further development shall take place within the site (other than the painting of the buildings).
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, no gate, fence, wall or other means of enclosure shall be erected, constructed or placed in front of the forward most part of the dwelling fronting onto the highway except as shown on the approved drawings.
5. A scheme demonstrating an appropriate traffic signal controlled junction at Church Street / Wrexham Road junction shall be submitted for further approval by the Planning Authority in consultation with the Highway Authority prior to any development commencing on site. The scheme is to include improvements to the alignment of the existing bus stop layby. The approved scheme shall be implemented prior to occupation of the first dwelling.
6. A scheme demonstrating appropriate puffin crossing points on Wrexham Road shall be submitted for further approval by the Planning Authority in consultation with the Highway Authority prior to any development commencing on site. The approved scheme shall be implemented prior to

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occupation of the first dwelling.

7. A scheme demonstrating an appropriate roundabout at the junction of Eldon Grove and Wrexham Road shall be submitted for further approval by the Planning Authority in consultation with the Highway Authority prior to any development commencing on site. The approved scheme shall be implemented prior to occupation of the first dwelling.

8. Prior to commencement of development, a scheme demonstrating improvements to the Henblas Road junction with Wrexham Road shall be submitted for the further approval of the Local Planning Authority. The scheme as agreed shall be implemented prior to occupation of the first dwelling.

9. Prior to commencement of development, a scheme demonstrating improvements to the Church Street junction with Wrexham Road shall be submitted for the further approval of the Local Planning Authority. The scheme as agreed shall be implemented prior to occupation of the first dwelling.

10. The recommendations and measures identified in section 5 - of the approved Travel Plan (ref V-R5259.00 Rhostyllen - Final Travel Plan) shall be implemented in accordance with a timetable to be submitted and approved prior to commencement of development. Within 12 months of commencement of development and thereafter annually, a 'Monitoring and Assessment Report' of the approved Travel Plan shall be submitted to, and approved in writing by, the Local Planning Authority.

11. Full details of a pedestrian link from the proposed development site to the existing church car park shall be submitted for the approval of the Local Planning authority. Such details as agreed shall be implemented to an agreed timescale and retained thereafter.

12. Prior to any development commencing on site, a scheme of improvements to bus stop facilities shall be submitted for the further approval of the Local Planning Authority. The approved scheme shall be implemented prior to the occupation of the first dwelling.

13. The communal parking areas shown on the improved plans shall be laid out, surfaced and drained prior to each phase of development being occupied and shall thereafter be avaible at all times, retained free of all obstructions.

14. Prior to the commencement of development, details of all street lighting and street furniture shall be submitted to and agreed in writing with the Local planning Authority. The agreed scheme shall be implemented strictly in accordance with the approved scheme and in accordance with a timetable to be agreed in writing.

15. The private garages shown on the approved plans shall be retained for the use of private vehicle parking of the residents only and the front elevation thereto shall not be altered without prior planning permission.

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16. No development shall commence until a scheme for the comprehensive and integrated drainage of the site indicating provision for foul water, surface water and land drainage has been submitted to and approved in writing by the Local Planning Authority. Prior to the submission of those details, an assessment shall be carried out into the potential for disposing of surface water by means of sustainable drainage systems (SuDS) in accordance with the principles of sustainable drainage systems set out in Technical Advice Note 15: Development and Flood Risk, and the results of the assessment provided to the Local Planning Authority. Where a SuDS scheme is to be implemented, the submitted details shall:
(i) Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of receiving ground water and/or surface waters;
(ii) Specify the responsibilities of each party for the implementation of the SuDS scheme, together with a timetable for that implementation; and,
(iii) Provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority of statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
The scheme as approved shall be implemented in accordance with a timescscale to be agreed as part of the submitted details and maintained thereafter.

17. No part of the development hereby permitted shall be commenced until full details of existing trees, shrubs and hedges to be retained are indicated on a plan, with the extent and specification of protective fencing, has been submitted to and approved in writing by the Local Planning Authority.
All vegetation indicated on this plan to be retained, shall not be cut down, grubbed out, lopped or uprooted without the previous written permission of the Local Planning Authority. Any tree, shrubs or hedges removed without such permission, or being severely damaged or diseased within three years of the date of occupation of the development for its permitted use shall be replaced with trees, shrubs and hedging plants of such a size and species as may be agreed with the Local Planning Authority.

18. The erection of fencing for the protection of the existing and new pocket park shall be undertaken before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. The above mentioned fencing shall consist of a scaffold framework in accordance with Figure 2 of BS 5837 (2005) comprising a vertical and horizontal framework, well braced to resist impacts, with vertical tubes spaced at a maximum interval of 3 metres. Onto this, 2.1 metre weldmesh panels shall be securely fixed with wire or scaffold clamps. This

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fencing shall be erected at the full extent of the pocket park. Nothing shall be stored or placed in any area fenced and no construction activity is to be permitted within this area, in accordance with this condition without the written permission of the Local Planning Authority.

19. No part of the development hereby permitted shall be commenced until full details of hard and soft landscape works for the site have been submitted to and approved in writing by the Local Planning Authority. The proposals are to implement the range, character and quality of materials within the approved Design Code for the site. The works shall be implemented to an agreed timescale.

20. No part of the development hereby permitted shall be commenced until phasing proposals for site development have been submitted to and approved in writing by the Local Planning Authority. The details shall:
- indicate the number of units to be completed within each phase of development;
- indicate the units to be made available for affordable housing;
- indicate the extent of all hard and soft landscape works, which are associated with each development phase; and
- include phasing of all private, public open space and public realm areas.

Each phase of development shall be completed to an agreed timescale. All hard and soft landscape works shall be implemented in advance of the occupation of any part of each associated phase.

21. Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years from the completion of the scheme shall be replaced by trees or shrubs of similar size and species to those originally required to be planted; and no planting shall be removed after that five year period, unless otherwise approved in writing by the Local Planning Authority.

22. No part of the development hereby permitted shall be commenced until a detailed landscape management plan for all hard and soft areas, within public open space and public realm, have been submitted to and approved in writing by the Local Planning Authority. The Management Plan shall be implemented in accordance with a timetable to be submitted as part of the proposals.

23. Before development commences, an ecological management plan for the site including timescales for implementation shall be submitted to and approved by the Local Planning Authority. The management plan shall detail any feature/habitat that will be managed for nature conservation purposes by way of description and prescription. It shall also include monitoring work and recommendations for habitat and species enhancement. The Management Plan shall be implemented in accordance with the approved timetable.

24. Before development commences, an ecological method statement shall be submitted to and approved by the Local Planning Authority. It shall

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detail the full extent of the works and proposed mitigation compensation measures, and shall be implemented to agreed timescales.

25. Prior to the commencement of development details of wildlife friendly kerb stones and gully pots shall be submitted to and approved in writing by the Local Planning Authority. These measures shall be designed to safeguard amphibians from harm through incidental capture and the scheme shall be implemented in accordance with agreed timescales.

26. Before beginning work, the contractor shall contact the Chief Planning Officer giving him seven days notice of a meeting on site to review all work procedures, access routes, storage areas and tree protection measures. Development shall be carried out in strict accordance with the agreed measures.

27. Noise mitigation measures as detailed in Section 7 of the SRL Technical Report (Report Number C/05/6W/1578/R01/PVCS/jsc) shall be implemented in full prior to the occupation of each individual unit.

28. Prior to the commencement of development, a Dust Management Scheme shall be submitted for the approval of the Local Planning Authority. In addition to dust mitigation measures, the scheme shall establish a procedure in order to effectively respond to any dust complaints that may be received. The procedure shall allow for an assessment of the source of dust of concern and a review of mitigation measures as appropriate. The approved scheme shall operate for the duration of the construction phase.

29. Foul water and surface water discharges shall only be drained separately from the site

30. No surface water shall be allowed to connect (either directly or indirectly) to the public sewerage system.

31. No land drainage run-off shall be permitted, either directly or indirectly, to discharge into the public sewerage system.

32. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order the work spaces in house types Rhos J(a), Rhos J(b) and Rhos K shall only be used for B1a uses unless the prior written approval of the Local Planning Authority is obtained for any other use. For the avoidance of doubt, the work spaces shall not be used for residential purposes.

33. The work spaces in house types Rhos J(a), Rhos J(b) and Rhos K shall only be used by persons residing in those properties. For the avoidance of doubt, no other persons shall be employed in the premises without the further written approval of the Local Planning Authority.

34. No development or other operations shall commence on the site until adequate steps, which shall have been previously agreed with the Local Planning Authority, have been taken to safeguard against damage or injury during construction works, all trees on the site or whose root structure may extend within the site, which are subject of Tree Preservation Order WCBC 23 (Ash Tree). In particular, no excavations, site works, trenches or channels

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shall be cut or pipes or services laid in such a way to cause damage or injury to the trees by interference with their root structure and no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the trees by affecting their root structure.

35. No development shall take place until an arboricultural implication study and method statement dealing comprehensively with all tree issues has been submitted to and approved in writing by, the Local Planning Authority. This Statement must include a full specification for the construction of and sections through of any trenching, access or driveway close to trees, details and location of general site operational matters such as cement mixing, material storage and use of fires, details of the frequency of supervisory visits and the procedure for notifying the Local Planning Authority of the findings of those visits. The site shall only be operated in strict accordance with such details as are thereby approved.

36. No trees shall be lopped, topped, felled or uprooted without the prior written permission of the Local Planning Authority, nor shall any trees be wilfully damaged.

37. The work shall be carried out in accordance with British Standard 3998 and subsequent revisions. The final pruning cut shall be made in accordance with the Branch Bark ridge method.

38. No part of the development hereby approved shall commence until details of all hard surfaces including access roads, footpaths and car parking spaces that encroach within Tree Root Protection Areas' (as defined by BS5837: 2005), including a method statement & timetable for construction of each element is to be submitted to and approved by the Local Planning Authority.

39. No part of the development hereby approved shall commence until details are submitted to and approved by the Local Planning Authority for the footpath that encroaches into the 18 metre exclusion zone, as measured as a radius from the centre of the tree's trunk, for the Ash tree protected by Tree Preservation Order WCBC 23. Details shall include a method statement detailing construction methods and specifications, including the timing and phasing of the footpath installation, three dimensional geo-grid specification, details of the base and wearing courses, edge treatments, and existing and proposed level surveys, proposed ground works, hedge removal works, ground and fencing protection measures, pre-commencement meetings between the main contractor, the contractor's arboriculturist and the Council's Arboricultural Officer, arboricultural supervision and procedures for notifying the Council's Arboricultural Officer of the findings of the supervisory visits.

40. The Council's Arboricultural Officer shall be notified three weeks in advance in writing of the intended start date for the footpath construction works for the footpath that encroaches within the 18 metre exclusion zone for the Ash tree protected by Tree Preservation Order WCBC 23.

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41. The Ash tree protected by Tree Preservation Order WCBC 23 shall be protected by tree protection fencing that shall be erected before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. The above mentioned fencing shall consist of a scaffold framework in accordance with Figure 2 of British Standard 5837:2005 comprising a vertical and horizontal framework, well braced to resist impacts, with vertical tubes spaced at a maximum interval of 3 metres. Onto this, 2.1 metre weldmesh panels shall be securely fixed with wire or scaffold clamps. This fencing shall be erected at the extent of the 18 metre exclusion zone around the tree measured as a radius from the centre of the tree's trunk. Nothing shall be stored or placed in the area fenced in accordance with this condition and the ground levels within this area shall not be altered, nor shall any excavations be made without the written permission of the Local Planning Authority.

**Reason(s)**

1. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.
2. To ensure that the development fully complies with the appropriate policies and standards.
3. Due to the restricted application site and its relationship with adjoining properties it is considered important to ensure that no additional development as described in the condition is carried out without the permission of the Local Planning Authority.
4. Due to the restricted application site and its relationship with adjoining properties it is considered important to ensure that no additional development as described in the condition is carried out without the permission of the Local Planning Authority.
5. In the interests of highway safety
6. In the interests of highway safety.
7. In the interests of highway safety.
8. In the interests of highway safety.
9. In the interests of highway safety
10. To ensure that the reduced level of proposed parking does not have a detrimental impact on the highway
11. In the interests of pedestrian accessibility
12. To ensure the provision of an adequate bus service infrastructure.
13. In the interests of highway safety.
14. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.
15. To ensure adequate parking provision for the development.

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16. To ensure proper drainage of the site.
17. To ensure the retention of existing trees, shrubs and hedges, which are of significant value to the site.
18. To safeguard the area of existing and new pocket park from construction activity.
19. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.
20. To ensure the proper implementation of the development as the site progresses.
21. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.
22. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.
23. To ensure that the features identified as having wildlife importance are protected and maintained in the long term.
24. To ensure that the features identified as having wildlife importance are protected and maintained in the long term.
25. To protect protected species.
26. To ensure that the works on the site properly take account of the future health of the trees.
27. To protect the amenities of the occupiers.
28. To protect the amenities of adjoining occupiers.
29. To protect the integrity of the public sewerage system.
30. To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment.
31. To prevent hydraulic overload of the public sewerage system and pollution of the environment.
32. In the interest of amenity and in order to ensure the retention of the workspaces.
33. In the interest of amenity and highway safety
34. To protect trees which are of significant value to the area.
35. To ensure that the amenity provided by trees on site is continued into the future.
36. To protect trees which are of significant value to the area.
37. To ensure the work is carried out to accepted aboricultural practices for the long term well being of the trees.
38. To protect trees which are of significant value to the area.
39. To protect trees which are of significant amenity value to the area.
40. To protect trees which are of significant amenity value to the area.
41. To protect trees which are of significant amenity value to the area.

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**Note(s) to applicant**

You are reminded that development should only proceed in accordance with the conditions attached to the outline permission in addition to any conditions attached to this approval. Some conditions may require attention prior to the commencement of development.

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, PO Box 10, Treharris, CF46 6XZ (Tel: 01443 331155) 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 scheme of landscaping referred to in the above conditions shall inlcude any changes to ground levels (shown by existing and proposed contours/levels) and any existing vegetation (showing that to be retained) and proposed planting. In addition, any of the following which apply to the particular site must be included:-
means of enclosure, car parking layout, access and circulation areas, materials for hard surfaced areas, any minor structures (e.g. refuse stores, lamp columns, play equipment) location of services, and any historic landscape features to be retained/improved.

Regarding a connection to the public sewerage system you are advised to contact Dwr Cymru welsh Water's Network Development consultants on tel no 01443 331155.

Any new roads serving more than five dwellings should be constructed to a standard suitable for adoption by the Council for future maintenance at the public expense and the developer will need to enter into an agreement with the Council under section 38 of the Highways Act 1980 so that the new road can be adopted for maintenance at the public expense.

All works, ancillary operations and the use of plant and machinery which are audible at the site boundary shall be carried out only between 0730 hours to 1930 hours Monday to Friday, between 0800 hours to 1400 hours on Saturdays and at no time on Sundays and Bank Holidays.

The Council has the option to control site construction noise by means of a

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Control of Pollution Act 1974 section 60- Notice, where deemed necessary.

There shall be no fires on the site, to include the prohibition of the burning of cleared vegetation.
You are advised that the Council has the power to control construction site noise by means of a Control of pollution Act 1974, Section 60, Notice, where deemed necessary.

Noise - D1, A1 &A3 uses - the rating level of any noise generated by reason of this development shall not exceed the pre-existing background level by no more than 3 dB(A). The noise levels shall be determined at the nearest noise sensitive premises. Measurements and assessments shall be made in accordance with BS4142:1997 "Method of Rating Industrial Noise Affecting Mixed Residential and Industrial Areas".

The premises are required to comply with relevant Food Hygiene Legislation. You are advised to contact the Chief Housing and Public Health Officer for advice on these matters.

Any works (including temporary works) in, under, over or adjacent to any watercourse may require the formal consent of the Environment Agency prior to works commencing. In accordance with the Agency's "no-culverting" policy, consent for culverting will only normally be granted for site access purposes.

Any waste excavation material or building waste generated in the course of the development must be disposed of satisfactorily and in accordance with section 34 of the Environmental Protection Act 1990.

The activity of importing waste into the site for use as, for example hardcore, must be registered by the Environment Agency Wales as an exempt activity under the Waste Management Licencing Regulations 1994

Cycle /pedestrian barriers are required at various locations near the Wrexham Road. These can be further agreed under the Section 38 agreement. You are advised to contact the Council's Highway Department regarding this matter.

Any new roads serving more than five dwellings should be constructed to a standard suitable for adoption by the Council for future maintenance at the public expense and the developer will need to enter into an agreement with the Council under section 38 of the Highways Act 1980 so that the new road can be adopted for maintenance at the public expense. You are advised to contact the Council's Highways Department regarding this matter.

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The applicants attention should be drawn to the following Highway Supplementary Notes 1 to 9 on the enclosed 'Applicant's Rights and General Information'.

Carriers transporting waste from the site must be registered waste carriers.

If controlled wastes are to be utilised for construction purposes the developer must register the activity with the Environment Agency Wales. The duty of care Regulations apply to all movements of controlled waste.

The developer should adopt all appropriate pollution control measures, both underground and on the surface, to ensure that the integrity of the aquatic environment, both groundwater and surface water, is assured.

Only clean surface water from roofs and paved areas should be discharged to any soakaway.

All facilities for the storage of liquids must be in double skinned containers or secure bunded containers and in all cases must be stored a minimum of 10 metres away from surface water drainage points.

This site lies within the designated River Dee Water Protection Zone. The storage or use of controlled substances at the site may require the formal consent of the Environment Agency Wales, under the Water Resources Act 1991. Further guidance regarding this requirement is contained in Guidance Note Dee WPZ1. It is the developer's responsibility to ensure that this matter is discussed with the Agency.

The development is adjacent to a garage, therefore, if evidence of hydrocarbons are found during the development then it would be prudent to investigate the contamination and you contact the Public Protection department of the Council on 01978 297041.

On completion of the developer you are advised to submit an application to Dwr Cymru Welsh water for the adoption of the sewers that by their construction and layout should be deemed 'Public Sewer'.

In relation to any works near the TPO Ash Tree, you are advised that a no dig construction methodology as per British Standard 5837:2005 sections 11.8 - 11.10 will be required. The use of suitable materials such as three-dimensional geo-grids, no fines aggregate and porous wearing courses is

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essential for the successful retention of the Ash tree.

**Officer Appointed for this purpose**
**Refer to the Statement of Applicant's Rights and General Information Enclosed**

**Chief Planning Officer, Lambpit Street, Wrexham, LL11 1AR.**