

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	THE CHURCH IN WALES	Code Number	GWE P/2015/0270
Agent	MR JOHN WILLIAMS AFALLON WHITFORD STREET HOLYWELL FLINTSHIRE CH8 7NJ	Date Received	07/04/2015
		Decision Date	17/04/2024

Town and Country Planning Act, 1990

Location of application

LAND ADJACENT TO AND EAST OF, HOLY TRINITY CHURCH, CHURCH STREET, GWERSYLLT, WREXHAM, LL11 4HD

Description of application

ERECTION OF 4 DWELLINGS AND NEW VEHICULAR AND PEDESTRIAN ACCESS FROM CHURCH STREET

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

DM1	Development Management Considerations
NE6	Waste Water Treatment and River Water Quality
SP14	Natural Environment
SP15	Historic and Cultural Environment
SP2	Location of Development
T1	Managing Transport Impacts

Revision	Date	Description of Decision
0	17/04/2024	Planning permission issued

Particulars of decision that permission be 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. No part of the development shall commence until samples of all external facing and roofing materials have been 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.
3. Prior to first use of the development hereby approved the vehicular access shall provide visibility splays of 2.4 metres x 25 metres to the west and 2.4 metres x 33 metres to the south east 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 adjoining highway. The splays shall thereafter be permanently retained clear of any such obstruction to visibility.
4. Prior to first use of the development hereby approved a pedestrian visibility splay shall be established measured from the centreline of the vehicular access 2.4 metres back from the edge of the footway to points 3.3 metres either side measured along the nearside edge of the carriageway. 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.
5. Prior to first use of the development a suitable turning head shall be constructed to adoptable standards details of which shall be submitted to and approved in writing by the Local Planning Authority. The facilities as approved shall thereafter be permanently retained and kept free of any obstruction, and made available solely for these purposes only.
6. No part of the development shall commence until a scheme detailing the construction of the following has been submitted to and approved in writing by the Local Planning Authority:
 - 1) Detailed layout, design, drainage and construction of the proposed new footway / carriageway.
 The scheme as is approved shall be fully implemented prior to first use of the development.
7. There shall be no gates or other means of enclosure across the vehicular access point within 5 metres of the highway boundary.
8. 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.

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9. The vehicular parking and turning areas as shown on approved drawing(s) No(s). 14.5498/1 Rev A 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.
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. All works in relation to the implementation of this permission, including deliveries to and / or leaving the site, shall be undertaken only between the hours of 7.30 and 18.00 Monday to Friday, and 08.00 to 14.00 on a Saturday, and at no time on a Sunday or a Bank Holiday.
12. No part of the development shall commence until a noise survey in order to determine noise levels for both day and night has been carried out, and a detailed report of the survey findings together with a detailed scheme of noise attenuation and/or noise insulation measures has been submitted to and approved in writing by the Local Planning Authority. The measures as are approved shall be fully implemented prior to the first occupation / use of the development.
13. No part of the development shall commence until a scheme to deal with potential contamination at the site has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include a phased investigation approach to identify the extent of contamination and any measures required to remediate the site, including post-development monitoring.
14. No part of the development shall be occupied until a Verification Report which demonstrates that the remedial works approved as part of condition no. 13 above have been satisfactorily carried out, has been submitted to and approved in writing by the Local Planning Authority.
15. 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.
16. Prior to the commencement of works on site an invasive species method statement for Japanese Knotweed shall be submitted to and approved, in writing, by the Local Planning Authority. The method statement as approved shall be fully implemented in accordance with the timescales, removal and long-term management.

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17. Within three months of commencement of development, full details of a hard and soft landscaping scheme together with a timescale for implementation of works shall be submitted to and approved in writing by the Local Planning Authority.
18. The landscaping scheme approved as part of this application shall be fully implemented in strict accordance with approved drawing no. 17 within three months of the first use of the development with the exception of soft landscaping which shall be carried out in the first planting season (November to March) or seeding season (April to September) following the first use.
19. The landscaping scheme as carried out in connection with condition nos. 17 and 18 shall be permanently retained. Any planting becoming 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 with trees or shrubs and within a timescale all to be submitted to and approved in writing by the Local Planning Authority.
20. No part of the development shall commence until details of the proposed Reasonable Avoidance Measures (RAMS) have been submitted to and approved, in writing, by the Local Planning Authority. The details shall include the details of the appointment of an Ecological Clerk of Works. The development shall be carried out in strict accordance with the RAMS as are approved.
21. All boundary means of enclosure (including internal sub-division) shall be submitted to and approved, in writing, by the Local Planning Authority. No boundary means of enclosure shall be undertaken except in strict accordance with the details as are approved and to a timescale to be agreed as part of the submitted details and retained thereafter unless otherwise agreed, in writing, with the Local Planning Authority.
22. Prior to commencement of works on site a scheme of proposed engineering/excavation works on site shall be submitted to and approved, in writing, by the Local Planning Authority. Works shall be carried out strictly in accordance with the details as are approved, unless otherwise agreed, in writing, with the Local Planning Authority.
23. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting that Order with or without modification), no further development shall take place under Classes A, B, C and E of Schedule 2 Part(s) I, other than the development hereby granted permission.

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Reason(s)

1. To comply with Section 91(3) of the Town and Country Planning Act, 1990.
2. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.
3. To ensure that adequate visibility is provided at the proposed point of access to the highway.
4. To ensure that adequate visibility is provided at the proposed point of access to the highway.
5. In the interest of safety and the free flow of traffic on the adjoining highway.
6. In the interests of highway safety.
7. 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.
8. In the interests of highway safety.
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.
10. In the interests of highway safety.
11. To protect the amenities of the occupiers of nearby properties.
12. To protect the amenities of the occupiers of nearby properties.
13. In the interests of the amenities of the future occupants of the buildings
14. In the interests of the amenities of the future occupants of the buildings
15. 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.
16. In the interest of human health and ecological interests.
17. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.
18. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.
19. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.
20. To protect the great crested newt in the interests of the conservation of wildlife.
21. In the interests of the general visual amenities of the area and to respect the setting of the Listed Building.
22. In the interests of land stability and the general visual amenities of the area.

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23. In the interests of the general visual amenities of the area and to respect the setting of the Listed Building.

Note(s) to applicant

The separate written consent of the Local Highway Authority must be obtained before any work is carried out within the confines of the highway.

A licence should 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 at the new access position. Further guidance can be obtained from the Highways Department of Wrexham County Borough Council on telephone 01978 729690.

The applicant is advised that compliance with condition no. 11 does not provide an exemption from the statutory noise nuisance provisions of the Environmental Protection Act 1990. Any complaints received relating to noise from the development during the permitted hours may still be investigated using the Council's Standardised Procedure for Dealing with Noise Nuisance Complaints and legal action may be taken where appropriate.

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. For further information and advice regarding construction noise please contact the Council's Housing and Public Protection Department on 01978 315300.

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 Housing and Public Protection Department on 01978 315300 for further advice and information.

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The Applicant is advised that under the Environmental Protection Act 1990, 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 Housing and Public Protection Department on 01978 315300 for further advice and information.

The development site is in close proximity to Mold Road and the developer is therefore required to carry out a noise survey in connection with condition no. 12 in order to determine noise levels for both day (0700 - 2300 hours) and night (2300 - 0700 hours) having regard to Planning Guidance (Wales), 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 proposed accommodation, and
- b) A detailed scheme of noise insulation and / or attenuation measures so designed to safeguard the amenity of the future occupants of the proposed accommodation hereby approved.

Further advice on compliance with condition no. 13 may be obtained by contacting the Council's Environmental Protection Team on 01978 315733. Should the investigation identify contamination issues that may affect receptors other than the site users e.g. groundwater, then it is recommended that these works are also addressed in consultation with the Housing and Public Protection Department prior to commencement of works on site. It is the applicant's responsibility to take legal advice in relation to the Disused Burial Grounds Act.



David Fitzsimon
Prif Swyddog Yr Economi a Chynllunio
Chief Officer Economy and Planning

Refer to Statement of Applicant's Rights and General Information on our planning web site at:-

http://www.wrexham.gov.uk/english/planning_portal/publications/info_sheets.htm

**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**