

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	BRYN BOLTON	Code Number	LLA P/2022/0914
Agent	J10 PLANNING LTD JUSTIN PAUL 2 WREXHAM ROAD CHESTER CH4 7QR	Date Received	24/10/2022
		Decision Date	06/02/2023

Town and Country Planning Act, 1990

Location of application

CWRT PENTWMPATH, LLAY, WREXHAM. LL12 0TT

Description of application

ADEILADU CYNLLUN TAI I RAI DROS 55 OED GAN GYNNWYS 17 O ANHEDDAU UN YSTAFELL WELY AC 8 BYNGALO UN YSTAFELL WELY/
ERECTION OF OVER 55'S HOUSING SCHEME COMPRISING 17 NO. 1 BED DWELLINGS AND 8 NO. 1 BED BUNGALOWS

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

CLF5	Open space requirements from new residential developments
EC4	Hedgerows, Trees and Woodland
GDP1	Development objectives
GDP2	Capacity of infrastructure and community facilities
H2	Residential development within settlements
PS1	Settlement limits
PS2	Development and the environment
PS3	Brownfield Land

Revision	Date	Description of Decision
0	06/02/2023	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. The development shall only be carried out in strict accordance with the details shown on the approved drawing(s) numbered P01 Revision B, P-105 Revision O, P-110 Revision E, P-111 Revision E, P-112 Revision E, P-130 Revision B, P131 Revision B, P-120 Revision B, P-113 Revision G 080.01.01 Revision A and 080.01.02 Revision A and as contained within the application documentation.
3. No development shall take place until a phased site investigation of the nature and extent of contamination has been carried out and submitted to and approved in writing by the Local Planning Authority. If any contamination is found during the site investigation, no part of the development shall commence until a scheme specifying the measures that will be taken to remediate the site to render it suitable for the development hereby permitted has been submitted to and approved in writing by the Local Planning Authority. The site shall thereafter be remediated in accordance with the approved scheme. If during the course of development any contamination is found that has not been identified in the site investigation, no further development shall take place on those parts of the site where that contamination has been found until an additional scheme of remediation has been submitted to and approved in writing by the Local Planning Authority for those parts of the site. The relevant parts of the site shall thereafter be remediated in accordance with the additional scheme of remediation.
4. Each part of the site subject to the remediation under the scheme(s) approved as part of condition 3 shall not be occupied/used until a Validation Report has been completed in respect of that part of the site and submitted to and approved in writing by the Local Planning Authority.
5. Development shall not commence until a scheme of Net Biodiversity Benefit has been submitted to and approved in writing by the Local Planning Authority, to include timetable(s) for implementation of the scheme and a scheme of long term management and maintenance. The approved scheme shall thereafter be implemented in full in accordance with the approved timetable(s). The measures for Net Biodiversity Benefit shall thereafter be permanently retained and managed and maintained in accordance with the approved scheme of long term management and maintenance.

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6. No part of the development shall commence until a detailed 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 the Method Statement as is approved. The Method Statement shall include the following:
 - a) A specification for tree protection fencing and ground protection measures that comply with British Standard 5837:2012;
 - b) 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;
 - c) 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;
 - d) Details of general arboricultural matters including proposed practices with regards to cement mixing, material storage and fires;
 - e) Details of the frequency of supervisory visits and procedures for notifying the findings of such visits to the Local Planning Authority;
 - f) Method for protecting retained trees during demolition works;
 - g) Details of all proposed tree works, including felling and pruning.
7. No development shall commence until a Construction Environment Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) measures to control the emission of dust and dirt during demolition and construction; and
 - v) Hours of work
 - vi) measures to limit the impact of construction works on the Nan Y Gaer and Llay Valley Local Wildlife Site.
 - vii) Site contractor contact details

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8. The external facing and roofing materials of the development hereby permitted shall be installed in accordance with details first submitted to and approved by the Local Planning Authority.
9. Hard landscaping shall be carried out prior to the first occupation of the development and soft landscaping shall be carried out in the first planting season (November to March) or seeding season (April to September) following the occupation of the development in accordance with drawings nos. P-105 Revision O, 080.01.01 Revision A and 080.01.02 Revision A. All soft landscaping shall thereafter be retained for a minimum of 5 years. Within this timescale, any planting becoming severely damaged or seriously diseased, is in poor physiological condition and/or are removed shall be replaced within the next available planting season by trees or shrubs of the same size and species to those originally planted.
10. The development shall be carried out in accordance with Section 5.0: Recommendations of the Anthony Nickson Ecology Preliminary Ecology Assessment dated August 2022.
11. A tree to replace the tree identified as T10 on drawing no. 01 Preliminary Tree Constraints Plan within the Tree Solutions Arboricultural Impact Assessment reference 22/AIA/WXM/289 dated August 2022 shall be planted in the first planting season (November to March) or seeding season (April to September) following the first occupation of the development in accordance with details that shall have first been submitted to and approved in writing by the Local Planning Authority. If the replacement tree is removed, dies, become severely damaged or diseased, or is in poor physiological condition within five years of the date of planting it shall be replaced by a tree of the same species and size of tree originally planted.
12. The vehicular parking and turning areas as shown on approved drawing(s) No(s). P-105 Revision O 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.

Reason(s)

1. To comply with Section 91(3) of the Town and Country Planning Act, 1990.

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2. To comply with section 71ZA (2) of the Town and Country Planning Act 1990.
3. In the interests of the amenities of the future occupants of the buildings in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
4. In the interests of the amenities of the future occupants of the buildings in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
5. To ensure the development delivers net benefit to biodiversity in accordance with paragraph 6.4.5 of Planning Policy Wales 11
6. To ensure the work is carried out to accepted arboricultural practices for the long term wellbeing of the tree(s) in accordance with Policies GDP1, PS2 and EC4 of the Wrexham Unitary Development Plan.
7. In the interests of protecting the amenity of the occupiers of nearby properties and to the Local Wildlife Site in accordance with policies GDP1 and EC6 of the Wrexham Unitary Development Plan.
8. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies GDP1 and PS2 of the Wrexham Unitary Development Plan.
9. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies GDP1 and PS2 of the Wrexham Unitary Development Plan.
10. In order to protect wildlife interests, which are afforded special protection in accordance with Policies GDP1 and EC6 of the Wrexham Unitary Development Plan.
11. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies GDP1 and PS2 of the Wrexham Unitary Development Plan.
12. 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 GDP1 and T8 of the Wrexham Unitary Development Plan

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Note(s) to applicant

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.

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.

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.



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