

**Applicant** MR R SCOTT

**Reference** P/2024/0169

**Agent** MR IAN STOCKDALE  
IAN STOCKDALE LTD  
7 Pendragon Court  
Wrexham  
LL13

**Date Received** 05/03/2024

**Decision Date** 01/08/2024

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### **Town and Country Planning Act, 1990**

#### **Location of Application**

LAND ADJACENT TO 68 HIGH STREET COEDPOETH WREXHAM LL11 3SD

#### **Description of Application**

DYMCHWEL GAREJ BRESENNOL A ADEILADU ANNEDD / DEMOLITION OF EXISTING GARAGE AND ERECTION OF 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 5 : Nature Conservation and Planning

#### **Wrexham Local Development 2013 – 2028:**

DM1- Development Management Considerations

H2 - Affordable Housing, Non-Strategic Housing Allocations and Windfall Sites

NE1 - International and National Nature Conservation Designations

NE2 - Local Designations for Nature Conservation and Geological Importance

NE6 - Waste Water Treatment and River Water Quality

SP1 - Housing Provision

SP11 - Transport and Accessibility

SP12 - Design Principles & Masterplanning Framework

SP14 - Natural Environment

SP19 - Green Infrastructure

SP2 - Location of Development

T1 - Managing Transport Impacts

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



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T2 - Active Travel

| Revision | Date       | Description of Decision    |
|----------|------------|----------------------------|
| 0        | 01/08/2024 | 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):
  - Drawing HSC-PA-01;
  - Transport Assessment;
  - Appendix 1: Green Infrastructure Statement and Net Biodiversity Benefit.
3. The development hereby permitted shall not be occupied until measures to deliver net benefit for biodiversity (NBB) shown on the form and plans titled 'Appendix 1: Green Infrastructure Statement and Net Biodiversity Benefit' have been implemented in full. The measures shall thereafter maintained for the lifetime of the development.

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4. 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.
5. Each part of the site subject to the remediation under the scheme(s) approved as part of condition 4 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.
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. The vehicular parking and turning/driveway areas as shown on the plans(s) numbered HSC-PA-01 shall be permanently retained and kept free of any obstruction (including vegetation and fencing), and made available solely for the parking of vehicles at all times. At no time shall any obstruction or planting be placed on site that would reduce the width of the driveway.

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8. Prior to first use of the development on-site bicycle parking facilities for at least two bicycles shall be provided. The facilities shall thereafter be permanently retained and kept free of any obstruction, and made available solely for the parking of bicycles.
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. Notwithstanding the provisions of Schedule 2, Part 1, Classes A, AA, 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 shall take place to the dwelling[s] shall take place other than those shown on the plan(s) numbered HSC-PA-01.
11. Notwithstanding the approved plans and the provisions 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 fences, gates or walls shall be erected, constructed or placed across the access within 5 metres of the highway boundary.

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

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- 4 In the interests of the amenities of the future occupants of the development in accordance with Policy DM1 of the Wrexham Local Development Plan.
- 5 In the interests of the amenities of the future occupants of the development in accordance with Policy DM1 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 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  
  
To assist occupiers/users of the development to make sustainable transport choices in accordance with Policy DM1 of the Wrexham Local Development Plan.
- 9 In the interests of highway safety in accordance with Policy DM1 of the Wrexham Local Development Plan.
- 10 In the interests of residential amenity having regard to policy DM1 of the Wrexham Local Development Plan.
- 11 In the interests of highway safety in accordance with Policy DM1 of the Wrexham Local Development Plan.

### **Note(s) to applicant**

Following the commencement of Schedule 3 of the Flood and Water Management Act, the works as proposed may be 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

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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](https://www.wrexham.gov.uk/english/planning_portal/sab/sab.htm) or by contacting the SAB Team directly at [SAB@wrexham.gov.uk](mailto:SAB@wrexham.gov.uk)

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](mailto: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](mailto:healthandhousing@wrexham.gov.uk) or 01978 292040 for further advice and information.

Further advice on compliance with condition no's 4 and 5 may be obtained by contacting the Council's Contaminated Land Officer on 01978 298870 or [contaminatedland@wrexham.gov.uk](mailto:contaminatedland@wrexham.gov.uk). 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 Council's Environmental Protection Team prior to commencement of works on site.

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



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A handwritten signature in black ink, appearing to be 'DF', written over a light blue rectangular background.

**David Fitzsimon**

***Prif Swyddog Yr Economi a Chynllunio, Cyngor Bwrdeistref Sirol Wreccsam***  
***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](#)