

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 MR KELVYN JOHN

Reference P/2024/0076

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

Date Received 23/01/2024

Decision Date 16/09/2024

Town and Country Planning Act, 1990

Location of Application

LAND OFF CHAPEL STREET ACREFAIR WREXHAM LL14 3TB

Description of Application

CAIS AMLINELLOL AR GYFER CODI ANNEDD (CADW POB MATER) / OUTLINE APPLICATION FOR ERECTION OF DWELLING (ALL MATTERS RESERVED)

In reaching this decision the Council has had regard to the following relevant policies: -

National Policies and Technical Advice Notes (TAN):

Future Wales – The National Plan 2024

Planning Policy Wales Edition 12 (2024)

TAN 12: Design

TAN 5: Nature Conservation and Planning

Wrexham Local Development 2013 – 2028:

SP1 – Housing Provision

SP2 – Location of Development

SP14 - Natural Environment

DM1 – Development Management Considerations

NE1 – International and National Nature Conservation Designations

NE6 – Waste Water Treatment and River Water Quality

T1 – Managing Transport Impacts

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Revision	Date	Description of Decision
0	16/09/2024	Planning permission issued

Particulars of decision : GRANTED subject to the following:-

Condition(s)

1. Approval of the following details shall be obtained from the Local Planning Authority before any part of the development is commenced:
 - a. the layout of the building(s)
 - b. the scale of the building(s)
 - c. the appearance of the building(s)
 - d. the means of access to the site and building(s)
 - e. the landscaping of the site.
2. Plans and particulars of the reserved matters referred to in condition 1 (above) shall be submitted in writing to the Local Planning Authority before the expiry of three years from the date of this permission. The development shall only be carried out in strict conformity with such details as are approved.
3. The development hereby approved shall be commenced before the expiry of five years from the date of this permission or before the expiry of two years from the date of approval of the last of the reserved matters required to be approved, whichever is the later.

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4. The developer shall ensure that a suitably qualified archaeological contractor is present during any groundworks so that the archaeological monitoring and recording can be conducted. The monitoring and recording must meet the standards laid down by the Chartered Institute for Archaeologists Standard and Guidance for Archaeological Monitoring and Recordings. A copy of the resulting report should be submitted to the Local Planning Authority and the Development Control Archaeologist, Clwyd-Powys Archaeological Trust (neil.bayliss@cpat.org.uk). On approval by the Local Planning Authority, project data must be submitted and approved for inclusion in the Clwyd-Powys Archaeological Trust's Historic Environment Record. 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.
5. Prior to the submission of any Reserved Matters application seeking approval of a detailed layout of development, a scheme of intrusive investigations shall be carried out on site to fully establish the risks posed to the development by past coal mining activity, including those posed by recorded mine shaft 327343-317 and 327343-386. These works shall be carried out in accordance with authoritative UK guidance.
6. Any application seeking approval of a detailed layout of development shall be accompanied by: the findings of the intrusive site investigations (required by condition 5 above); a proposed layout plan which identifies the positions of the recorded mine shafts, the extent of their potential zones of influence, and suitable no-build zones around these features.

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7. Prior to the commencement of above ground development, any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, shall be implemented in full in order to ensure that the site is made safe and stable for the proposed development. These works shall be carried out in accordance with authoritative UK guidance.
8. Prior to the first occupation of the development, a signed statement or declaration prepared by a suitably competent person confirming that the site has been made safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.
9. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.
10. 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.

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11. Each part of the site subject to the remediation under the scheme(s) approved as part of condition 10 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.
12. No part of the development shall commence until a noise survey has been carried out, and a detailed report of the survey findings has been submitted to, and approved in writing by, the Local Planning Authority. The noise survey shall determine noise levels for both Day (07:00 – 23:00 hours) and Night (23:00 – 07:00 hours), having regard to Planning Policy Wales (PPW) Guidance, 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 existing or proposed accommodation, and
 - b) A detailed scheme of noise insulation and / or attenuation measures so designed to safeguard the amenity of the existing or occupants of the proposed accommodation hereby approved. The measures as are approved shall be fully implemented prior to the first occupation / use of the development.
13. The development shall only be carried out in strict accordance with the details contained in the following documents:
 - Ecological Impact Assessment 10th June 2024
 - Green Infrastructure Statement 3rd May 2024
 - Arboricultural Impact Assessment 24th June 2024
 - Coal Mining Risk Assessment 15th August 2024

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14. The Reserved Matters Application shall include full details including cross-sectional plans showing the finished floor levels and ground levels of the proposed dwelling and its curtilage together with the floor levels and ground levels of the land and properties immediately adjoining the site.
15. The Reserved Matters Application shall include a schedule of landscaping maintenance to include details of the arrangement of its implementation. The landscaping shall be implemented and maintained in strict accordance with the approved details.

Reason(s)

- 1 To comply with the provisions of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012.
- 2 To comply with Section 92 of the Town and Country Planning Act, 1990.
- 3 To comply with Section 92 of the Town and Country Planning Act, 1990.
- 4 To secure preservation by record of any archaeological remains which may be revealed during ground excavations for the consented development.
- 5 In order to ensure the safety and stability of the proposed development.
- 6 In order to ensure the safety and stability of the proposed development.
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- 8 In order to ensure the safety and stability of the proposed development.
- 9 To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.
- 10 In the interests of the amenities of the future occupants of the building.
- 11 In the interests of the amenities of the future occupants of the building.
- 12 To protect the amenities of the occupiers of nearby properties.
- 13 To comply with Section 91(3) of the Town and Country Planning Act, 1990.
- 14 In the interests of residential and visual amenity and to ensure compliance with policy DM1 of the Wrexham Local Development Plan.
- 15 To ensure landscape and biodiversity features are properly considered and protected.

Note(s) to applicant

In relation to condition 4, documents are attached for Archaeological Monitoring and Recording, and guidance on sources of archaeological contractors who may wish to tender for this work. The chosen archaeological contractor will need to submit a project design/written scheme of investigation (WSI) document for approval by CPAT before works can commence.

Under the Coal Industry Act 1994 any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) require the

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prior written permission of the Coal Authority since these activities can have serious public health and safety implications. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain permission to enter or disturb our property will result in the potential for court action. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at: www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property.

The applicant is advised that some public sewers and lateral drains may not be recorded on our maps; some sewers were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times. The applicant may also need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com

In accordance with Planning Policy Wales (Edition 11) and Technical Advice Note 12 (Design), the applicant is advised to take a sustainable approach in considering water supply in new development proposals, including utilising approaches that improve water efficiency and reduce water consumption. We would recommend that the applicant liaises with the relevant Local Authority Building Control department to discuss their water efficiency requirements.

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Further advice on compliance with conditions 10 and 11 may be obtained by contacting the Council's Contaminated Land Team on 01978 298994 or 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 Contaminated Land Team prior to commencement of works on site.

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.

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.

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

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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.

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, 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](#)