

Report of the Chief Officer Economy and Planning

Application Reference

P/2024/0003

Applicant

P JONES

Agent

PETER MILLER MTP TOWN PLANNING LTD

Site Address

CARLTON GARDEN CENTRE PINFOLD LANE LLAY INDUSTRIAL ESTATE LLAY
WREXHAM LL12 0PX

Description of Development

/ NEWID DEFNYDD O GANOLFAN ARDDIO I IARD GLUDIANT / CHANGE OF USE
FROM GARDEN CENTRE TO HAULAGE YARD

Ward

Llay/Llai

Community

Llay/Llai

Recommendation

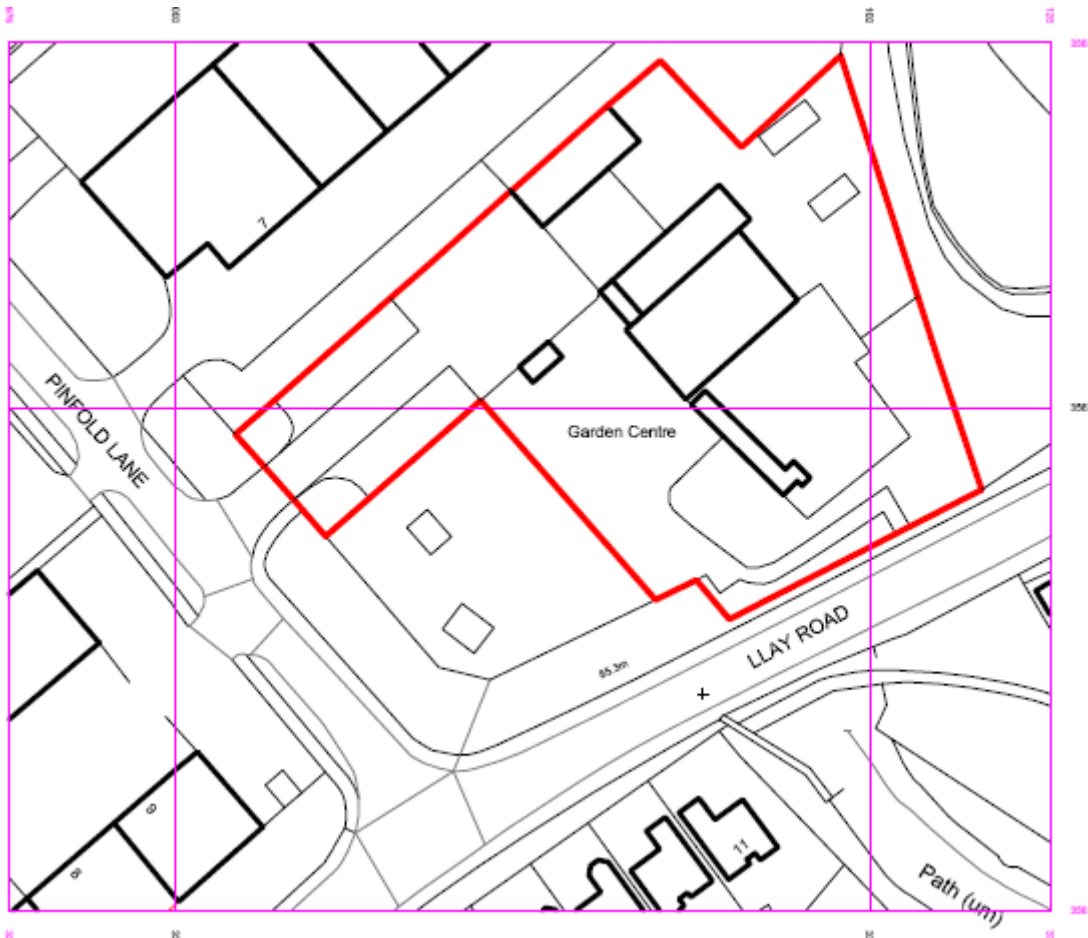
Grant

Officer Report

Site Description

The site relates to the rear section of Carlton Garden Centre which is located on the corner of Pinfold Lane and Llay Road. The site sits entirely within the Llay Industrial Estate. The rear part of the site (subject to this application) no longer operates as a garden centre. The garden centre operates from the front of the site and sells garden sheds and associated supplies. Vehicular access to the site is gained via an egress on Pinfold Lane. To the north, east and west are industrial buildings. To the south, on the opposite side of Llay road are residential dwellings. A coppice of trees runs to the east and south of the site and connects into a green corridor which links with land to the north west and runs along the river to meet up with the Green Wedge between the industrial estate and Gresford.

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Proposal

Planning permission is sought for the change of use of part of Carlton Garden Centre to a transport / haulage yard for storage of vehicles by Clwyd Transport. The existing vehicular access off Pinfold Lane would be retained as part of the proposal and used by both the Garden Centre and the haulage yard.

The site would be laid out with 24 trailer/ truck and lorry parking spaces along the east, south and western boundary of the site. Centrally within the site would be a turning circle for vehicles. To the north of the site is an existing building which would remain and would be used by drivers to pick up their delivery books and for tachograph down loads to be carried out. To the east of this building, a self-contained washing lorry plant is proposed. The toilet facilities left on site by Carlton Garden Centre will be retained and used by drivers and staff when required. An internal gate is proposed giving access to the site.

The applicant has secured a vehicle operator license for 15 HGVs and 6 trailers to operate from the site. Vehicles will generally leave the site on a Monday morning between 05:00 - 08:00 and not return until Friday between 13:00 - 19:00. A limited number of vehicles will return during the week, but these midweek vehicle movements will be less common as a result of the nature of the business which requires vehicles to move around the UK and not return to 'base' until the working week is completed.

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Carlton Garden Centre which has already been reduced in scale would remain to the south corner of the site. 16 designated customer parking spaces are proposed for the garden centre.

Reason for Committee Determination

Individual letters of objection received from the owners/occupiers of 3 or more properties.

Site History

P/2008/0601 Log cabin retail shop selling swimming pool equipment/chemicals and display area. WITHDRAWN

P/2008/0012. Log cabin retail selling swimming pool equipment/chemicals and display area. GRANTED

15830 Amended layout and revised details of buildings of garden/DIY center (previously approved under code no. LLA/15100 on 26 April 1988. GRANTED

15100 Proposed garden center, portable buildings, DIY products, ancillary refreshments, car park and access. GRANTED

Local Planning Policy

Local Development Plan

SP2 – Location of development

SP6 - Green Wedge

SP8 – Economic Growth, Employment and Enterprise

SP11 – Transport and Accessibility

SP12 – Design Principles & Masterplanning Framework

SP14 – Natural Environment

SP19 – Green Infrastructure

EM1 – Protection of Existing Employment Land

NE1 – International and National Nature Conservation Designations

NE3 – Trees, Woodlands and Hedgerows

NE6 – Waste Water Treatment and River Water Quality

DM1 – Development Management Considerations

T1 – Managing Transport impacts

T2 - Active Travel

MW5 - Sustainable Waste Management

Local Planning Guidance Notes:

LPGN15 – Cycling

LPGN16 - Parking Standards

LPGN26 – Landscape and Industrial Development

LPGN30 - Design

LPGN32 - Biodiversity and Development

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Relevant National Policy

Planning Policy Wales (Edition 12, 2024)
Future Wales: The National Plan 2040
The Planning (Wales) Act 2015

Technical Advice Notes (TAN):

TAN 5 – Nature conservation and planning
TAN 11 - Noise
TAN12 – Design
TAN 18 – Transport
TAN 23 – Economic development

Consultation Responses

Community Council:

Comments that:

- There is concern that the increased use of haulage vehicles will cause major noise pollution issues for local residents;
- The plans show very little car parking for non-haulage vehicles;
- The garden centre has numerous visitors. Concern that these visitors will park irresponsibly due to lack of available car parking; and
- There will be an increased risk of accidents due to the immediate area already having a busy road crossing.

Local Member:

Councillor Bryan Apsley has following concerns:

- Where existing garden centre customers would park – likely on the street. Therefore concerns over safety on a busy industrial estate;
- Noise because vehicles will be moving in the early hours of the morning.

Councillor Robert Walsh has the following concerns:

- The development is located very close to residential areas (Acacia Court and Birch Court);
- Excess exhaust and noise would have a detrimental impact on those residents (approximately 60 properties);
- This is already a busy road where school children have to cross, this could make it worse;
- Speed limit is currently 40mph and this is already too fast;
- White lines that mark the junction and turning off Llay Road to Pinfold Lane are non-existent;
- The road is in poor condition so continuous HGVs turning would add to this; and
- A speed limit reduction (to 30mph), controlled crossing, resurfacing and white line junction painting are a minimal requirement if this development is to be approved.

Natural Resources Wales:

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Raises no objection. Recommends that the avoidance and mitigation measures described within ecology reports be included in the approved list of plans / documents.

Comments that the site is within the catchment of the River Dee and Bala Lake Special Area of Conservation (SAC), but the specific nature of the application means the proposed development is unlikely to increase the amount of phosphorous entering the catchment.

Dwr Cymru Welsh Water:

Raises no objection.

Comments that:

- It is unlikely there would be a significant increase (if any) of foul water generated;
- Gresford WwTW has a phosphate permit;
- The development site is crossed by a public sewer; and
- No part of any building should be permitted within 3m either side of the centre line of the 150mm public sewer.

Recommends a condition be imposed to prevent water from buildings or impermeable surfaces draining directly or indirectly to the public sewerage system.

Highway Officer:

Principle of the proposal is accepted. Advises that given the fact the development site is on an existing industrial estate, it would be unreasonable to argue against the application on trip generation grounds when reviewing the scale of the development, proportionally with the overall site.

Layout

Possible conflict with HGVs and parking cars from the garden centre.

Flooding/Surface water drainage

- Local flood maps highlights an existing risk of flooding to the ditch that crosses Llay Road creating increased sensitivity to surface water drainage proposed;
- Haulage yard surfacing and washing facilities would create considerable potential for flooding if not sufficiently attenuated;
- proposal should be fully considered by the SAB / flood officer to protect the public highways and neighbouring properties from flooding; and
- Refuse collection and cycle storage details are required by condition.

Contaminated Land Officer:

No comments

Public Protection Officer:

Raises no objection. Observes that the submitted Acoustic Assessment concludes the predicted noise levels will be broadly in line with the existing ambient noise levels and overall impact on residential properties will be low.

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Recommends an Advisory Note regarding dust management, demolition construction noise, burning of waste and storage of oils, fuels and chemicals.

Arboricultural Officer:

Notified. No comments received at the time of writing this report.

Ecology Officer:

Notified of amended NBB and tree surveys. No comments received at the time of writing this report.

Flood & Water Management Officer:

No objection

Publicity Undertaken:

Site Notice: Yes

Notification Letters: 17 notification letters were sent out to neighbouring properties

Responses to Publicity:

7 neighbouring letters of objection have been received raising the following concerns:

- The area is now substantially residential this proposal goes against the character;
- Existing roads in vicinity are already very busy;
- Proposal would increase traffic considerably;
- Existing roads in poor state of repair with potholes;
- Existing roads on Pinfold Lane are not kept well with lines on the junction not being marked out;
- Increased HGV presence will deteriorate road surfaces more;
- Recently increase in large haulage traffic on the straight mile with no traffic calming measures;
- Accidents already happen on the road;
- Children have to cross this road on the way to and from school which will be dangerous with increased traffic;
- This stretch of the B5102 is a key part of the school bus service, with at least 6 school buses each day servicing students at Castell Alun, Darland and Coleg Cambria;
- Noise pollution ;
- Air pollution / emission;
- Concern that Highways report mentions the bulk of large vehicle movements taking place between 5am and 7am. Extremely disturbing for residents;
- Large HGVs proposed to operate from the site omit large amount of exhaust fumes and noise;
- Proposal will result in environmental harm and damage to physical and mental health;
- Proposal to bring 24 HGV units into the village each day would be counter to the policy of both Welsh and Local Government policy with regard to cleaner air and environmental issues;

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- Self-contained wash facility is next to a neighbouring car park – concern over spray to neighbouring properties;
- Potential for increased anti-social behaviour;
- Potential for crime with any trailers or vehicles targeted for thefts;
- Concern this development could open the door for more development of similar type at this yard; and
- There are more suitable sites than this for the development.

Principle of Development

The site is located within the Llay Industrial Estate, a defined Employment Area. Policy SP2 of the LDP seeks to direct new development to the defined settlement limits and Employment Areas as identified on the Proposals Map. Policy EM1 seeks to protect the existing employment generating areas for B Use Classes and appropriate complementary uses and activities referred to in Policy EM2.

The application site is a redundant part of Carlton Garden Centre which has reduced the size of its operations. A garden centre site is a Sui Generis use. A transport/haulage yard would also be a Sui Generis use.

The proposed development would not result in the loss of any existing land in use for B Class users. Moreover, the proposed use is considered to be complementary to the wider Llay Industrial Estate, would be broadly in keeping with the character of the wider Employment Area and would not adversely impact upon the operation of other nearby business premises. Traffic and residential amenity considerations are discussed later in the report

Having regard to the above, the principle of development is considered acceptable and in accordance with Policy SP2 and EM1 of the LDP.

Design

The existing site is occupied by a number of different sized buildings formerly used in conjunction with the garden centre. The majority of the buildings would be removed, with only the concrete building along the northern boundary and the WC building to the east being retained. None of the buildings to be removed have any architectural or historical merit.

Much of the existing site is hardstanding and as such the proposed development would not require the removal of significant green areas. The proposed development has been sensitively designed to avoid root protection areas (RPA) of trees within or on the boundaries of the site. 24 truck, trailer and lorry parking spaces are to be positioned around the east, south and west perimeter of the site. The parking of these vehicles would also avoid the RPA of trees.

The site is currently enclosed by a metal security fence which is in keeping with the existing industrial estate appearance. Internally, new security gates are proposed of similar appearance to provide secure access to the site.

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In terms of design and appearance, the proposal would have an acceptable impact to the site and its surrounding area and the development accords with Policy DM1 in this regard.

Impact on Neighbouring Amenity

Policy DM1, ii of the LDP confirms that development proposals must not have an unacceptable effect on the amenity of the occupiers of nearby properties/land.

The closest residential properties to the site lie on the opposite side of the B5102 Llay Road approximately 30m away. Given the nature of the proposed development, it would not result in any unacceptable overlooking, overbearing or overshadowing impacts to these neighbouring residents.

The HGVs would normally leave the site on a Monday between 05:00 and 08:00. Drivers would enter the site and park their own vehicle in a vacant parking space. Driver's regulations mean they would have to put their tachograph card into their vehicle, start the engine and do a walk around check for 10 minutes before driving out of the site. Vehicles would not all exit at the same time, with departure times depending on the routing from the driver's transport manager. Once vehicles leave on a Monday morning, the majority are unlikely to return until a Friday afternoon. The applicants, Clwyd Transport, operates all over the UK, with drivers sleeping in their vehicles when on route to their work. Furthermore it is anticipated that around 10% of vehicles would not return at weekends because they would be subject to 6 weekly service checks away from the site.

It is not considered that the use of the site as a haulage yard would result in any significant intensification of the site than the previous use, with much of the site would being vacant during the week. Neighbouring residents have raised concerns that the use of the site in the early hours on a Monday morning would result in noise disturbance at a time when they would expect quiet. To support the application a Noise Impact Assessment has been submitted. This report confirms that the predicted noise levels would be broadly in line with the existing ambient noise levels and overall impact on residential properties would be low. The Councils Public Protection officer accepts the findings of the Noise Assessment. The Noise Assessment also proposes the installation of an acoustic fence along the boundary with Llay Road, inside the existing metal fence, to add a further level of protection for residents.

In terms of impact to the surrounding businesses, noting the intended use, it is unlikely that the proposal would impact upon the operations of other industrial units within Llay Industrial Estate. The neighbouring business that could be most impacted would be Carlton Garden Centre. The applicant intends to minimise any disruption to the garden centre by allowing delivery vehicles onto

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the haulage parking area to unload. The Garden Centre does not require significant deliveries to their site as garden sheds are ordered and delivered to customers via a main distributor not from the Garden Centre itself. Sheds within the site are for 'show purposes' only. There would also be a 16 space parking area for customers visiting Garden Centre.

Concerns have been raised by neighbouring residents regard the proposed vehicle washing area and potential spray going into the neighbouring car park. The applicant has confirmed that the washing plant would be self-contained with screens to prevent spray and would be sound proofed. The excess water would drain for recycling within the site. Full details of the lorry washing plant could be secured by a suitably worded condition.

Having regard to the above, the proposed development would not unacceptably harm the living conditions of neighbouring properties or adjoining neighbouring land uses. As such, it accords policy DM1 of the LDP.

Highway Considerations

The haulage yard and retained garden centre would both be accessed via the existing egress onto Pinfold Lane. No alterations are proposed to this egress. The 16 customer parking spaces for the garden centre would be provided on the south east of the access. HGV and drivers for the haulage yard would park within the confines of the haulage yard in the allocated parking spaces. 24 lorry, truck/trailer parking spaces would be provided within the site. Clwyd Transport has a license for 15 HGVs and 6 trailers to operate from the site. The vacant spaces would be used for parking of the personal vehicles of the HGV drivers when at work.

The existing vehicular access is 7.1m wide and has visibility splays of 2.4m x 50m to the left and 2.4m x 75m to the right. This visibility far exceeds the minimum requirement (25m) set out in TAN18 recommended for a roads subject to 20mph speed restrictions.

HGVs would be able to pull clear of the highway before reaching the internal gates for the site, which would be operated by key fob by the driver when required. Consequently, HGVs would not block or restrict access into the site or result in a highways hazard on Pinfold Lane. Some concern has been raised by the Council's Highways Officer in regard to the shared entrance for HGVs and potential conflict with vehicles and pedestrians using the garden centre. However the haulage yard would largely operate outside of the garden centre's opening hours and as such, the risk of conflict between vehicles and users of the garden centre would be minimal.

The Council's Highway Officer has confirmed that given the fact that the proposed development is on an existing industrial estate, it would be unreasonable raise concerns on the grounds of traffic, having regard to both the scale of the development and its location within a larger employment area. Indeed trip generation to the site is unlikely to be significant.

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Objectors have expressed concerns that the roads around the industrial estate are in poor condition. The responsibility for the maintenance of the roads is the responsibility of the Council, as owner of the road. As noted above, the development is unlikely to generate a significant increase in traffic. There is no substantive evidence that the proposal would result in a worsening of the existing road conditions and as such it is not considered reasonable to request the applicant to provide financial contributions towards the maintenance of the road network in this location.

The location of bin storage and cycle parking have been identified within the site and provision could be secured by suitably worded

The proposal would not compromise the safe, effective and efficient use of the highway network and suitable parking has been provided for both the retained garden centre use and the proposed haulage yard. The proposal therefore accords with Policy T1 of the LDP.

Natural Environment

Ecology

To support the application a number of ecological surveys have been submitted. The bat report submitted identifies that bats are not present at the site. In terms of Great Crested Newts (GCN), records confirm the presence of GCN approximately 482m from the site. Consequently, reasonable avoidance measures have been recommended by the report. NRW raises no objections. The implementation of the avoidance and mitigation measures described could be secured by a suitably worded condition.

Trees

An Arboricultural impact Assessment and Method Statement has been submitted to support the application. It identifies that the only trees within the boundary are two oaks located to the south east corner adjacent to Llay Road, with all other nearby trees located outside of the site boundary. No trees are to be removed. The AIA outlines root protection areas (RPA) of trees within the vicinity and details proposed protection measures. The findings of the report are accepted and the mitigation measures could be secured a suitably worded condition.

Net Biodiversity Benefit and Green infrastructure

Chapter 6 of PPW requires all development to demonstrate that provision has been made for Net Biodiversity Benefits (NBB). i.e a better outcome than if the site was left undeveloped. All applications are also required to provide a Green Infrastructure Statement.

An ecological Enhancement plan has been submitted as well as a proposed landscaping plan. It is intended to plant native scrub to the south of the site. The areas of shrub planting would also be sown with a meadow grass mixture to create the ground flora of the shrub habitat. To the north of the site a new species rich wildflower grassland is proposed as well as bird and bat boxes within the site. The proposed NBB is considered acceptable and proportionate

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to the existing site and nature of development could be secured a suitably worded condition

Having regard to the above, the proposed development would accord with Policy NE1, NE3 and SP19 of the LDP and PPW12 Chapter 6.

Flood Risk

The Council's Flood and Water Management Team raise no objection. The proposed development involves some changes to the existing drainage layout. A buffer tank is to be installed which would allow water to be stored and reused which would count as a reduction in the volume of surface water to be discharged from the site. The Flood Officer notes that the buffer tank has an overflow into a surface water pipe which would be replaced as part of the work. The Officer is satisfied that this would not increase any flood risk within the area or downstream as the established drainage on site likely already utilised this method of discharge. Surface water from the access road would be discharged via a gully and directed to a watercourse. Following concerns raised by the Flood Officer, a catch pit is now proposed to prevent pollution from surface water discharging to the watercourse.

The Flood Officer notes that the changes proposed to the site, namely to the removal of a building and change in the drainage layout, would require SAB approval before works can begin on site. As such there are adequate controls in place to ensure that suitable provision for surface water drainage is put in place.

Drainage

The site is located within the catchment of the River Dee and Bala Lake Special Area of Conservation (SAC) and therefore the phosphorus impact of the proposed development on water quality within SAC river catchments must be considered.

The site is already connected to the mains sewers and the proposal would utilise the existing WC facilities on site which previously served the garden centre. DCWW have commented that they do not foresee a significant increase (if any) of foul water generated from the new proposal and therefore have no objections. DCWW also confirm that Gresford WwTW has a phosphate permit.

Based upon the above, any significant impact to the SAC can be ruled out and the proposal accords with Policy NE1 and NE6 of the LDP.

Conclusion

The principle of development is considered acceptable noting that the site is located within an existing Employment Area. The proposal would have a suitable design for the character of the area and has been sensitively designed to avoid conflict with green infrastructure within and surrounding the site. It has been demonstrated that the proposed use would not detrimentally impact residential amenity of neighbouring properties or adjacent land uses. It would not impact upon any protected species and nor would the development impact the SAC. Matters of highways are considered acceptable and no

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alterations are proposed to the main access onto Pinfold Lane. Overall, it is considered that the proposal accords with Policy SP2, EM1, DM1, T1, NE1, NE3 and NE6 of the LDP and as such is recommended for approval.

Conditions

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):
 - CGL 003b - Proposed site plan
received 07.11.2024
 - 4639/02 Rev B - Surface water drainage
received 12.08.2024
 - CGL 003a - Proposed site plan and NBB
received 12.07.2024
 - CGL 001 - Site Location Plan
 - CGL 004 - Existing WC building plan and elevations
 - CGL 005 - Existing storage shed plan and elevations
received 18.01.2024
3. The development hereby permitted shall not be occupied until the measures to deliver net benefit for biodiversity (NBB) shown on plan reference CGL 003a and detailed within the Ecological Enhancement

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Plan UES04084/03 V2 have been implemented in full. The measures shall thereafter be maintained for the lifetime of the development.

4. The development shall be carried out in strict accordance with the findings and recommendations contained within the following ecological reports:

- Bat Presence/Absence Survey ref UES04084/04 prepared by UES Ltd
- Preliminary Ecological Appraisal ref UES04084/04 prepared by UES Ltd

The mitigation and compensation measures hereby approved shall be fully implemented prior to first use of the development.

5. The development shall be carried out in strict accordance with the findings and recommendations contained within the Arboricultural Impact Assessment and Method Statement ref 24/AIA/WXM/321 prepared by Tree Solutions. The mitigation and compensation/protection measures hereby approved shall be fully implemented prior to first use of the development.

6. No external illumination within the site shall take place before a lighting scheme has been submitted to and agreed in writing by the Local Planning Authority. The lighting scheme shall be installed and operated in accordance with the approved details. No other lighting shall be used on any external part of the development.

7. Prior to the first use of the development hereby permitted, an acoustic barrier shall be introduced along the southern boundary of the site with Llay Road in accordance with details first submitted to and approved by the local planning authority. The acoustic barrier shall retained at all times after.

8. No use of the development shall be made before 05:00 or after 20:00 on Mondays or before 07:00 or after 20:00 Tuesday to Friday and at no times on Saturdays or Sundays.

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9. Prior to the first use of the development hereby permitted, details of the self-contained washing plant shall be submitted to and agreed in writing by the local planning authority. The washing plant shall be constructed in accordance with the approved details.
10. Prior to first use of the development hereby permitted, on-site bicycle parking facilities shall be provided in strict accordance with a scheme that shall have first been submitted to and approved in writing by the Local Planning Authority. The facilities shall thereafter be permanently retained and kept free of any obstruction, and made available solely for the parking of bicycles.
11. 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.

Reasons

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.
4. In order to protect wildlife interests in accordance with Policies DM1 and SP14, NE1 and NE2 of the Wrexham Local Development Plan.
5. To preserve the health, safety and amenity value of the trees in accordance with Policies DM1 and SP12, SP14 and NE3 of the Wrexham Local Development Plan.

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6.

7. To safeguard local residents from noise and disturbance and to comply with Policy DM1 of the Wrexham Local Development Plan.

8. To protect the amenities of the occupiers of nearby properties in accordance with Policy DM1 of the Wrexham Local Development Plan.

9. To ensure a satisfactory standard of appearance of the development and to protect the amenities of the occupiers of nearby properties in accordance with Policy DM1 of the Wrexham Local Development Plan.

10. To assist occupiers/users of the development to make sustainable transport choices in accordance with 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.

Notes

SAB informative

Following the commencement of Schedule 3 of the Flood and Water Management Act, the works as proposed are 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 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 or by contacting the SAB Team directly at SAB@wrexham.gov.uk

Notes

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

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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.

Notes

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

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Team on healthandhousing@wrexham.gov.uk or 01978 292040 for further advice and information.

Notes

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.

Notes

Highways informative

In the interests of maintaining highway safety, and to avoid obstruction of the public highway (in contravention of the Highways Act), The Applicant is advised to coordinate with the highway authority at highwayroadworks@wrexham.gov.uk in advance of commencement of the development/works with respect to:

1. Skip, scaffolding, hoarding or A frame/signage (Permit required for these items, if on the public highway);
2. Use of a parking space for a set down/delivery area;
3. Record a dilapidation survey of the adjacent carriageway prior to commencement (to avoid being ask to repair damage by the Applicant whilst carrying out their works);
4. If any lane closure or obstruction of the highway is required for a crane or similar;
5. Protection against dust and debris blowing onto the public highway;
6. Construction traffic parking locally avoiding nuisance to others;
7. If the Applicant's scope of work includes new apparatus in the highway, such as new mains services then a Section 50 licence will be required. Insurances and demonstration of competency to carry out works in the public highway will be required.
8. Lowering of kerbs or minor pavement alterations require Section 184 agreement. Insurances and demonstration of competency to carry out works in the public highway will be required.
9. A section 278 agreement works agreement is required for more significant alterations to the existing highway;

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10. Any temporary works affecting traffic lights, [pedestrian/cycle road crossings, or bus stops require pre-planning and permits;

11. For applications with a private driveway (either existing or proposed) connecting onto the public highway, the following conditions of approval apply:

· No surface water from the applicants site should be allowed to drain onto the public highway,

- The first 5m* minimum (for residential property) should be hard paved, avoiding gravel or loose chippings from spreading.
- No gate should be built in a location where it would result in a car obstructing the highway whilst being unlocked, and it should not swing out and over a pavement or any other part of the highway.

*The hard paved length and set back if required is subject to the applicants proposed vehicular length.

The applicants should allow a minimum of 4 weeks' notice for any of the above standard requirements, and 6-8 weeks for lane closures & road closures (lead times may change without notice subject to workload and complexity). Any works involving Trunk roads should be coordinated separately and directly with the North & Mid Wales trunk Road Agency. For larger sites with a significant impact upon the highway, a Construction Traffic Management Plan will be required.

Notes

DCWW informative

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 not a mandatory requirement to first enter into a Section 104

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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 Development Services pages of www.dwrcymru.com

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