

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

Applicant	MR CHRIS ROWE	Code Number	CEF P/2023/0746
Agent	MR JACK FELGATE 23 FFORDD ESTYN GARDEN VILLAGE WREXHAM LL11 2SS	Date Received	18/10/2023
		Decision Date	20/03/2024

Town and Country Planning Act, 1990

Location of application

LAND WEST OF PENDIL, LLANGOLLEN ROAD, ACREFAIR, WREXHAM, LL14 3RS

Description of application

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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
NE2	Local Designations for Nature Conservation and Geological Importance
NE6	Waste Water Treatment and River Water Quality
SP2	Location of Development
T1	Managing Transport Impacts

Revision	Date	Description of Decision
0	20/03/2024	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.
2. The development shall only be carried out in strict accordance with the details shown on the approved drawing(s) numbered RO1.1.006 1-1, RO1.1.004 1-2, RO1.1.004 2-2, RO1.1.003 1-4, RO1.1.003 2-4, RO1.1.003 3-4, RO1.1.003 4-4, and as contained within the application documentation.
3. Prior to their use on the development, samples of all external facing and roofing materials (including windows and doors) shall be submitted to and approved in writing by the Local Planning Authority. The

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development shall only be carried out in strict accordance with such details as are approved.

4. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.
5. 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.
6. Each part of the site subject to the remediation under the scheme(s) approved as part of condition 5 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.
7. No development shall commence until a detailed plan to provide net benefit for biodiversity (NBB) has been submitted to and approved in writing by the Local Planning Authority. The measures shall be fully implemented as approved prior to the first beneficial occupation of the dwelling and shall be retained thereafter for the lifetime of the development.
8. Prior to first use of the development the site shall be laid out in strict accordance with layout plan(s) No. RO1.1.004 1-2.
9. Nothing shall be planted, allowed to grow or erected to a height greater than 1 metre in height above the level of the nearside edge of the adjoining highway for a distance of 2.4 metres measured back from the adjoining highway along the entire site frontage. The splays shall be provided prior to first use of the development and shall thereafter be permanently retained clear of any such obstruction.
10. Prior to first use of the vehicular access hereby approved, the access shall be surfaced with hard bound materials (e.g. bituminous

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- macadam) for a minimum distance of 5 metres behind the adjoining highway.
11. There shall be no gates or other means of enclosure across the vehicular access.
 12. The existing vehicular access as shown on plan no.RO1.1.001 1-1 shall be permanently closed up prior to first use of the new vehicular access hereby approved. The existing dropped kerb shall be reinstated to full height footway construction (see note)
 13. Prior to first use of the development, the proposed vehicular access shall be laid out in strict accordance with approved plan no. RO1.1.004 1-2. The visibility splays shall thereafter be permanently retained free of all obstruction in excess of 1 metre in height.
 14. No part of the development shall commence until a scheme detailing the relocation the existing lighting column located east of the proposed access has been submitted to and approved in writing by the Local Planning Authority.
 15. 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.
 16. All means of enclosure associated with the development hereby approved shall be completed in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority. The means of enclosure shall be completed in accordance with the approved details prior to the first beneficial occupation of the dwelling.
 17. No part of the development shall commence until full details of a hard and soft landscaping scheme together with a timescale for the implementation of works have been submitted to and approved in writing by the Local Planning Authority.
 18. The landscaping scheme submitted and approved in connection with condition no. 17 shall be fully implemented in all respects within the agreed timescale and in strict accordance with the approved scheme.
 19. The landscaping scheme as carried out in connection with condition no. 18 shall be retained for a minimum of 5 years. Within this timescale, 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 of similar size and species to those originally required to be planted and within a timescale all to be submitted to and approved in writing by the Local Planning Authority.

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Reason(s)

1. To comply with Section 91(3) of the Town and Country Planning Act, 1990.
2. To comply with section 71ZA (2) of the Town and Country Planning Act 1990.
3. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policy DM1 of the Wrexham Local Development Plan.
4. 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
5. In the interests of the amenities of the future occupants of the buildings in accordance with Policy DM1 of the Wrexham Local Development Plan.
6. In the interests of the amenities of the future occupants of the buildings in accordance with Policy DM1 of the Wrexham Local Development Plan.
7. To ensure the development delivers net benefit to biodiversity in accordance with Policy 9 of Future Wales and Paragraph 6.4.5 of Planning Policy Wales (Edition 12).
8. In the interests of highway safety in accordance with Policy DM1 of the Wrexham Local Development Plan.
9. To ensure that adequate visibility is provided at the proposed point of access to the highway in accordance with Policy DM1 of the Wrexham Local Development Plan.
10. 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.
11. 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 in accordance with Policy DM1 of the Wrexham Local Development Plan.
12. In the interests of highway safety in accordance with Policy DM1 of the Wrexham Local Development Plan.
13. To ensure the formation of a safe and satisfactory access in accordance with Policy DM1 of the Wrexham Local Development Plan.
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15. In the interests of highway safety in accordance with Policy DM1 of the Wrexham Local Development Plan.

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16. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policy DM1 of the Wrexham Local Development Plan.
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Note(s) to applicant

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 condition no. 5 may be obtained by contacting the Council's Contaminated Land Officer on 01978 298771 or 298333, 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 Officer prior to commencement of works on site. 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.

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.

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

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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.

A licence must 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 in connection with condition no. 13. Further guidance can be obtained from the Highway Authority of Wrexham County Borough Council on telephone 01978 729670.

The written consent of the Highway Authority (as required by section 278 of the Highways Act 1980) must be obtained before any work is carried out within the confines of the highway in connection with condition no(s). 14. Further guidance can be obtained from the Highway Authority of Wrexham County Borough Council.

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 729670.

The applicant will need to liaise with our Street lighting Section (contact Paul Rogers on Tel: 01978 729673) to discuss any street lighting requirements / modifications.

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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
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,

highway,

The first 5m* minimum (for residential property) should be hard paved, avoiding

gravel or loose chippings form 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

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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.

You are advised that building work which involves work on an existing wall shared with another property, building on the boundary with a neighbouring property, or excavating near a neighbouring building may require the separate consent of the neighbour under the provisions of the Party Wall Act. If you require further information or advice please contact the Building Control Section on 01978 298884.

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



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