

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 & MRS TIM AND SUE HILL	Code Number	WRC P/2019/0719
Agent	FORGE PROPERTY CONSULTANTS MR MATTHEW WASON LANE END TEDSMORE ROAD WEST FELTON OSWESTRY SHROPSHIRE SY11 4ER	Date Received	19/09/2019
		Decision Date	18/11/2019

Town and Country Planning Act, 1990

Location of application

173, KINGSMILLS ROAD, WREXHAM, LL13 0NS

Description of application

ERECTION OF 1 NO. THREE BED DWELLING AND ACCESS ARRANGEMENTS

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

EC13	Surface water run-off
EC4	Hedgerows, Trees and Woodland
EC6	Biodiversity Conservation
GDP1	Development objectives
H2	Residential development within settlements
PS1	Settlement limits
PS2	Development and the environment
PS3	Brownfield Land
PS4	Settlement Pattern
T8	Parking
T9	Walking, cycling and horse riding routes

Revision	Date	Description of Decision
0	18/11/2019	PLANNING PERMISSION ISSUED
1	04/11/2022	P/2022/0886 - NON-MATERIAL AMENDMENT TO PLANNING PERMISSION P/2019/0719 TO APPROVED PLANS

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2	07/08/2023	P/2023/0320 - DISCHARGE OF CONDITIONS 5 (ARBORICULTURAL SUPERVISION), 6 (LANDSCAPING), 7 (PLANTING PLAN), 10 (EARTHWORKS, EXCAVATION AND LAND REGRADING), 20 (BIOSECURITY RISK ASSESSMENT), 22 (DRAINAGE) AND 26 (BOUNDARY TREATMENT SCHEME) OF PLANNING PERMISSION P/2019/0719
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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 PL/RO/102 Rev B, PL/RO/105 Rev A, PL/RO/200 Rev A and PL/RO/201 Rev A and as contained within the application documentation.

S96 Non-material amendment Approved on: 04.11.2022

Reference Number: P/2022/0886

By: Wrexham County Borough Council

Deleted Drawing Refs: PL/RO/200 Rev A and PL/RO/201 Rev A

Approved Amended Drawing Refs: PL01 Rev A and PL02 Rev A

3. Prior to their use on the development, samples of all roofing and external facing materials, including windows, doors, heads, cills and joinery, shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in strict accordance with such details as are approved.
4. The development shall be carried out in strict accordance with the following plans and report(s) submitted and approved as part of this application:
 - 1) Arboricultural Implication Assessment provided by Oakwood Ecology;
 - 2) Tree Protection Plan provided by Oakwood Ecology;

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3) Arboricultural Method Statement provided by Oakwood Ecology.
No development or other operations shall take place except in strict accordance with the reports as approved.

5. No part of the development shall commence until full details for the arboricultural supervision of tree protection measures and any ground works within retained tree(s) Root Protection Areas, as specified by BS5837:2012 or as shown on a Tree Protection Plan have been submitted to and approved in writing by the Local Planning Authority. The supervisory works shall be carried out in strict accordance with the details as approved.

Approved on: 02/08/2023 **Reference Number:** P/2023/0320

By: Wrexham County Borough Council

Approved Report and Plan Refs:

- Arboricultural Supervision at Rosebank, Wrexham, LL13 0NS, Dated 18 August 2022, prepared Simon Cope MSc, MCIEEM, Cert. Arb.
- Preparatory Works 188/1

6. No part of the development shall commence until full details of both hard and soft landscape works, to include native planting, has been submitted to and approved in writing by the Local Planning Authority. The plan shall include a timescale for the implementation of works, and shall provide for ecological improvement / habitat creation and enhancement in the soft landscape areas for the benefit of biodiversity conservation specifically tailored to the landscape features.

Approved on: 02/08/2023 **Reference Number:** P/2023/0320

By: Wrexham County Borough Council

Approved Plan Ref:

- Planting Plan 188/2 Rev 2

7. No part of the development shall commence until a scheme for the planting of trees and shrubs on site has been submitted to and approved in writing by the Local Planning Authority.

Approved on: 02/08/2023 **Reference Number:** P/2023/0320

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8. The landscaping scheme submitted and approved in connection with condition nos. 6 and 7 shall be fully implemented in all respects within the agreed timescale and in strict accordance with the approved scheme.

9. The planting scheme implemented in connection with condition no. 8 shall be permanently retained. Any planting which becomes 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 within the next available planting season by trees or shrubs of similar size and species to those originally required to be planted.

10. No part of the development shall commence until details of all earthworks, excavation, and land regrading and retaining structures have been submitted to and approved in writing by the Local Planning Authority. The plan shall include the existing and proposed levels and contours with sectional detail provided, cut and fill line, existing vegetation and site features of the development. Details of soil stripping, storage and replacement shall be included where appropriate. The development shall be carried out in strict accordance with the details as approved.

Approved on: 02/08/2023 **Reference Number:** P/2023/0320

By: Wrexham County Borough Council

Approved Plan Refs:

- KRW-ENA-XX-XX-DR-C-5000 Rev P1.
- KRW-ENA-XX-XX-DR-C-5001 Rev P1.
- KRW-ENA-XX-XX-DR-C-5002 Rev P1.

11. There shall be no vegetation removal within the bird nesting season, March to August inclusively.

12. Prior to first use of the development the site shall be laid out in strict accordance with layout plan(s) No. PL/RO/102 Rev B and PL/RO/105 Rev A .

13. The vehicular parking and turning areas as shown on approved drawing(s) No(s). PL/RO/102 Rev B 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.

14. The vehicular access hereby approved shall be a minimum width of 4.8 metres for a minimum distance of 5 metres behind the highway boundary.

15. There shall be no gates or other means of enclosure across the vehicular access point within 5 metres of the highway boundary.

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16. 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.

17. No private surface water run off shall be permitted to flow from the development site onto the adjoining highway. Notwithstanding the details shown on the approved plans, the Aco drain shall be provided across the approved access where it meets the public highway, prior to first use of the development.

18. Prior to first use of the development hereby approved the vehicular access shall provide visibility splays of 2.4 metres x 43 metres in both directions measured to the nearside edge of the adjoining highway. Within these splays there shall be no obstruction in excess of 1 metre in height above the level of the nearside edge of the adjoining highway. The splays shall thereafter be permanently retained clear of any such obstruction to visibility.

19. The nearby footpath Wrexham 9 shall not be diverted or blocked by the development, nor during its construction.

20. No part of the development shall commence, including the clearing of vegetation on site, until a site wide Biosecurity Risk Assessment has been submitted to and approved in writing by the Local Planning Authority. The risk assessment shall include measures to control, remove and for the long-term management of invasive species both during construction. The development shall be carried out in accordance with the measure as may be approved.

Approved on: 02/08/2023 **Reference Number:** P/2023/0320

By: Wrexham County Borough Council

Approved Report Ref: Page, M. (2023). Rosebank, Kingsmills Road
Wrexham: Biosecurity Risk Assessment. Cheshire Ecology Ltd.

21. No land drainage run-off or surface water shall be permitted to discharge or connect to the public sewerage system, either directly or indirectly, and foul and surface water shall be drained separately from the site.

22. No part of the development shall commence until a scheme for the comprehensive and integrated drainage of the site indicating provision for foul water, surface water and land drainage has been submitted to and approved in writing by the Local Planning Authority.

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Prior to the submission of those details, an assessment shall be carried out into the potential for disposing of surface water by means of Sustainable urban Drainage Systems (SuDS) in accordance with the principles of sustainable drainage systems set out in Technical Advice Note 15: Development and Flood Risk, and the results of the assessment shall be submitted in writing to the Local Planning Authority. Where a SuDS scheme is to be implemented, the submitted details shall:

- i) Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of receiving ground water and/or surface waters;
- ii) Specify the responsibilities of each party for the implementation of the SuDS scheme, together with a timetable for that implementation; and,
- iii) Provide a timescale for implementation, management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Approved on: 02/08/2023

Reference Number: P/2023/0320

By: Wrexham County Borough Council

Approved Plan Ref:

- KRW-ENA-XX-XX-DR-C-5600 Rev P1.

23. No part of the development shall be occupied until the sustainable drainage scheme for the site has been completed in accordance with condition no. 22. The sustainable drainage scheme shall be managed and maintained thereafter in strict accordance with the agreed management and maintenance plan.

24. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting that Order with or without modification), no further development shall take place under Classes A, B, C, D, E, F or G of Schedule 2, Part 1, other than the development hereby granted permission.

25. With the exception of those shown on the approved plan and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting that Order with or without modification) no windows or other openings shall be inserted in any elevation of the building.

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26. No part of the development shall commence until a boundary treatment scheme within and around the site has been submitted to and approved in writing by the Local Planning Authority. The boundary treatment as may be approved shall be completed in all respects prior to first use / occupation of the development and shall thereafter be permanently retained.

Approved on: 02/08/2023 **Reference Number:** P/2023/0320

By: Wrexham County Borough Council

Approved Plan Ref:

- Planting Plan 188/2 Rev 2

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 Policies GDP1 and PS2 of the Wrexham Unitary Development Plan.
4. To protect trees which are of significant amenity value to the area in accordance with Policies GDP1, PS2 and EC4 of the Wrexham Unitary Development Plan.
5. 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.
6. To protect named species / habitats / biodiversity which would otherwise be damaged / lost by the development hereby permitted in accordance with Policies GDP1 and EC6 of the Wrexham Unitary Development Plan.
7. 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.
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.

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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. To ensure that the works on the site properly take account of the future health of the trees in accordance with Policies GDP1, PS2 and EC4 of the Wrexham Unitary Development Plan.
11. To protect named species / habitats / biodiversity which would otherwise be damaged / lost by the development hereby permitted in accordance with Policies GDP1 and EC6 of the Wrexham Unitary Development Plan.
12. In the interests of highway safety in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
13. 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
14. To ensure the formation of a safe and satisfactory access in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
15. 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 GDP1 of the Wrexham Unitary Development Plan.
16. To ensure that no deleterious material is carried onto the highway, in the interests of highway safety in accordance with Policy GDP1 of the Wrexham Unitary Development Plan
17. In the interests of highway safety in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
18. To ensure that adequate visibility is provided at the proposed point of access to the highway in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
19. In the interests of highway safety in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
20. To prevent the spread of Invasive Non Native Species.
21. To protect the integrity of the public sewerage system and prevent hydraulic overloading of the public sewerage system. To protect the health and safety of existing residents and to ensure no detriment to the environment in accordance with Policies GDP1 and EC13 of the Wrexham Unitary Development Plan.

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22. To ensure satisfactory drainage of the site and to avoid flooding in accordance with Policies GDP1 and EC13 of the Wrexham Unitary Development Plan.

23. To ensure satisfactory drainage of the site and to avoid flooding in accordance with Policies GDP1 and EC13 of the Wrexham Unitary Development Plan.

24. Due to the restricted application site and its relationship with adjoining properties it is considered important to ensure that no additional development as described in the condition is carried out without the permission of the Local Planning Authority in accordance with Policies GDP1 and PS2 of the Wrexham Unitary Development Plan.

25. To protect the amenities of the occupiers of nearby properties in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.

26. 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. To protect the amenities of the occupiers of nearby properties in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.

Notes to applicant

All works relating to this development which are audible beyond the site boundary should be carried out only between 7.30 and 18.00 hrs Monday to Friday, and 08.00 to 14.00 hrs 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 should adhere to the times given above wherever possible. For further information and advice regarding construction noise please contact the Council's Housing and Public Protection Department on 01978 315300.

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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 Environment and Planning Department on 01978 315300 for further advice and information.

The Applicant is advised that under the Environmental Protection Act 1990, 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 Housing and Public Protection Department on 01978 315300 for further advice and information.



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

**In pursuance of its powers under the Acts
an Orders referred to below, the County
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Authority, hereby determines your
application in accordance with the
particulars and plans comprising the
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