

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 CHRIS WELLS	Code Number	RHO P/2020/0725
Agent	BROADGROVE PLANNING AND DEVELOPMENT MR JACK APPLETON SINCLAIR HOUSE 11 STATION ROAD CHEADLE HULME SK8 5AF	Date Received	02/11/2020
		Decision Date	12/04/2021

Town and Country Planning Act, 1990

Location of application

BONC WEN, RHOSLLANNERCHRUGOG, WREXHAM, LL14 2EE, ,

Description of application

CODI 12 FFLATIAU / ERECTION OF 12 APARTMENTS

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

CLF5	Open space requirements from new residential developments
EC13	Surface water run-off
EC4	Hedgerows, Trees and Woodland
EC6	Biodiversity Conservation
GDP1	Development objectives
GDP2	Capacity of infrastructure and community facilities
H2	Residential development within settlements
PS1	Settlement limits
PS2	Development and the environment
T8	Parking

Revision	Date	Description of Decision
0	12/04/2021	Planning permission issued
1	18/04/2023	P/2022/0417 – APPLICATION FOR APPROVAL OF DETAILS RESERVED BY CONDITIONS IMPOSED UNDER PLANNING PERMISSION P/2020/0725: CONDITIONS 3 (MATERIALS) CONDITIONS 8 (CONTAMINATION) CONDITIONS 10 (DUST MANAGEMENT)

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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:
5525_SK1000 - Site Location Plan;
5525_SK1001 P3 – Site Plan;
5525_SK1101 P1 – Existing Site Plan;
5525_SK2001 P2 – Walk-up Apartments Block A – Floor Plans;
5525_SK2002 P3 – Walk-up Apartments Block B – Floor Plans;
5525_SK3000 P2 – Walk-up Apartments Block A – Elevations;
5525_SK3001 P1 – Walk-up Apartments Block B – Elevations;
5525_SK4000 P3 – Site Section;
5525_SK8000 P7 – Site Layout Plan.
5525_SK8001 - Indicative Landscape Strategy;
5525_SK80002 – Opportunities and Constraints.
BWW-SHD-00-ZZ-DR-C-0100 P3 Drainage Strategy
and as contained within the application documentation.
3. Prior to their use on the development samples of all external facing materials 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.

Approved on: 18/04/2023 **Reference Number:** P/2022/0417

By: Wrexham County Borough Council

Approved Details:

Facing Brick - Wienerberger Abbeydale Red Multi
Feature/Decorative Facing Brick - Michelmersh Blockleys Porcelain White Smooth
Roof Tile - Marley Edgemere Smooth Grey
Windows and Doors - Colour RAL 7016
External Timber Items - Colour RAL 7016
Railings – Colour RAL 7016

4. Within three months of commencement of development, full details of a hard and soft landscaping scheme together with a plan indicating the positions, design, materials and type of boundary treatment and timescale for

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implementation of works shall be submitted to and approved in writing by the Local Planning Authority.

5. The landscaping scheme submitted and approved in connection with condition no. 4 shall be fully implemented in all respects within the agreed timescale and in strict accordance with the approved scheme.

6. The landscaping scheme as carried out in connection with condition no. 5 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.

7. The development shall be carried out in strict accordance with the findings and recommendations contained within the Ecology Assessment as carried out by Marches Ecology and dated 18/8/2020 approved as part of this application. The mitigation and compensation measures hereby approved shall be fully implemented prior to first use of the development.

8. 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.

Approved on: 18/04/2023 **Reference Number:** P/2022/0417

By: Wrexham County Borough Council

Approved Report: GroundSolve Ltd, Preliminary Risk Assessment Bonc Wen: GSL2774 Version 1, 16 September 2022; and GroundSolve Ltd, Phase 2 Ground Investigation: Bonc Wen, Wrexham, GSL2774 Final 26 September 2022.

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9. Each part of the site subject to the remediation under the scheme(s) approved as part of condition 8 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.

10. No part of the development shall commence until an appropriate Dust Management Scheme has been submitted to and approved in writing by the Local Planning Authority. The dust mitigation measures as are approved shall be fully implemented for the entire duration of the construction phase.

Approved on: 18/04/2023 **Reference Number:** P/2022/0417

By: Wrexham County Borough Council

Approved Report: Brenig Construction Management Method Statement.

11. 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.

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

13. Prior to first use of the development a suitable turning head shall be constructed to adoptable standards details of which shall be submitted to and approved in writing by the Local Planning Authority. The facilities as approved shall thereafter be permanently retained and kept free of any obstruction, and made available solely for these purposes only.

14. 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.

15. No development shall commence until;

a) a further scheme of intrusive site investigations has been carried out on site to establish the extent of the risks posed to the development by past coal mining activity, and;

b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

16. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or 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 methods and findings of the intrusive site investigations and the completion of any

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remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

17. The vehicular parking areas and public car park as shown on approved drawing number 5525_SK8000 P7 shall be fully laid out, surfaced and drained prior to first use of the development. This parking area shall thereafter be permanently retained and kept free of any obstruction, and made available solely for the parking of motor vehicles at all times.

18. 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 to E of Schedule 2 Part 1, other than the development hereby granted permission.

19. The site shall be developed in accordance with the ground and / or floor levels indicated on the approved plans. No changes to floor levels or external ground levels shall be made without the prior written approval of the Local Planning Authority.

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 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.
5. 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.
6. 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.
7. 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.

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8. In the interests of the amenities of the future occupants of the buildings in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
9. In the interests of the amenities of the future occupants of the buildings in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
10. To protect the amenities of the occupiers of nearby properties in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
11. 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.
12. 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.
13. In the interest of safety and the free flow of traffic on the adjoining highway in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
14. 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.
15. To safeguard public safety
16. To safeguard public safety
17. To provide for the parking of vehicles clear of the highway in accordance with Policies GDP1 and T8 of the Wrexham Unitary Development Plan
18. 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.
19. To comply with section 71ZA (2) of the Town and Country Planning Act 1990.

Note(s) to applicant

Your attention is drawn to Highway Supplementary Notes - 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.h
tm](http://www.wrexham.gov.uk/english/planning_portal/publications/info_sheets.htm)

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Further advice on compliance with condition no. 8 may be obtained by contacting the Council's Environmental Protection Team on 01978 298989 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 Housing and Public Protection Department prior to commencement of works on site.

The site is located in DAM Zone A as defined within TAN15. The site is located in an area identified as being at between a low to medium risk of surface water flooding on NRW's updated flood map for surface water. As a minimum I would strongly recommend the applicant incorporate flood resistant and resilient construction techniques into the works if permission were granted.

SuDS Approving Body Approval Requirement

As you will be aware, from the 7th of January 2019 any new development of more than one dwelling or that involves construction work of more than 100m² is required to obtain approval from the SuDS Approving Body (SAB) prior to the commencement of those construction works. The scale of the proposed works dictates SAB approval will be required prior to the commencement of any works on site. No formal application for SAB approval or request for pre application SAB advice has been received to date.

The information submitted with the application indicates an attenuated discharge into the existing culverted watercourse to the south west of the development, with attenuation provided in the form of geo-cellular storage. Should this application be approved I would recommend the inclusion of a pre-commencement condition requesting detail of the final surface water management scheme for the site as well as the Note to Applicant below detailing the need to obtain SAB approval prior to the commencement of any construction works on site.

Note to Applicant - SAB Approval Required

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

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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.

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 Planning & Regulatory Department on 01978 292040 for further advice and information.

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 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.

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The applicant must adhere to the times given above wherever possible. If however there are urgent or unavoidable circumstances requiring works outside of the specified times, permission to proceed may be sought by contacting Environmental Health and Housing Standards at heathandhousng@wrexham.go.uk or 01978 292040. Please use the same contact details for any other enquiries regarding construction / demolition site noise.

The proposed scheme should be constructed to a standard suitable for adoption by the Council for future maintenance at the public expense and the developer will need to enter into an agreement with the Council under s.38 / 278 of the Highways Act 1980.

You are advised that the Highway Authority will require such works to be completed to their satisfaction before they will formally adopt the relevant Highway works for public use and to be maintained at public expense. This will include the provision of a bond to cover the estimated value of such works.

The appropriate fees will become due to the Council when the Highways Authority approve the proposed works to be carried out
Advice for the Developer

Environmental Permits/Exemptions.

The activity proposed in this planning application may require an environmental permit or exemption under The Environmental Permitting (England and Wales) Regulations 2016. An environmental permit or exemption must be in place before any waste activity takes place on site. Advice regarding permits and exemptions can be found at the following link: <http://naturalresources.wales/permits-and-permissions/check-for-a-permit-licence-or-exemption/?lang=en>

Please contact Natural Resources Wales for advice regarding an Environment Permit application on 0300 065 3000.

Undertaking this proposed activity without the benefit of an Environmental Permit or exemption is an offence against Environmental Legislation and may result in enforcement action being taken against the operator.

Obtaining planning permission does not necessarily ensure you will be issued an environmental permit.

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Waste produced during construction

Waste produced during the construction phase of your development must be dealt with appropriately and be in line with all relevant waste legislation including Duty of Care Regulations and Hazardous Waste Regulations. As part of your waste duty of care you must classify the waste produced:

- before it is collected, disposed of or recovered
- to identify the controls that apply to the movement of the waste
- to complete waste documents and records
- to identify suitably authorised waste management options
- to prevent harm to people and the environment.

Any waste removed from site will be subject to waste management controls.

The links below provided information on how to classify waste and register as a waste carrier or hazardous waste producer:

<http://naturalresources.wales/permits-and-permissions/waste/?lang=en>

<http://naturalresources.wales/permits-and-permissions/waste/waste-permits/?lang=en>

Further guidance can be found on the GOV website here:

<https://www.gov.uk/managing-your-waste-an-overview/duty-of-care> We recommend that a Site Waste Management Plan (SWMP) is drawn up prior to scheme's commencement in order to ensure full duty of care is complied with. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority



Officer Appointed for this purpose
Chief Officer Planning & Regulatory

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