

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 ALAN FIELD LMF PROPERTIES LTD	Code Number	WRC P/2019/0792
Agent	D2 ARCHITECTS ROBERT ADAM LLOYD SOUGHTON HOUSE 2 NICHOLAS STREET MEWS CHESTER CH1 2NS	Date Received	21/10/2019
		Decision Date	03/03/2021

Town and Country Planning Act, 1990

Location of application

COMMUNITY CENTRE, EATON DRIVE, WREXHAM, LL13 9HG

Description of application

DEMOLITION OF EXISTING COMMUNITY CENTRE, ERECTION OF NEW APARTMENT BLOCK COMPRISING 10 NO. TWO BED APARTMENTS AND 6 NO. 1 BED 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
EC4	Hedgerows, Trees and Woodland
EC6	Biodiversity Conservation
GDP1	Development objectives
PS1	Settlement limits
PS2	Development and the environment
PS3	Brownfield Land
PS4	Settlement Pattern
T8	Parking

Revision	Date	Description of Decision
0	03/03/2021	PLANNING PERMISSION ISSUED
1	19/11/2021	P/2021/1021 - DISCHARGE OF CONDITION 18 (DRAINAGE) OF PLANNING PERMISSION P/2019/0792
2	28/02/2022	P/2021/1171 - PARTIAL DISCHARGE OF CONDITIONS 22 (CONSTRUCTION MANAGEMENT PLAN) AND 24 (DUST MANAGEMENT) OF PLANNING PERMISSION P/2019/0792 - TO FACILITATE DEMOLITION OF THE BUILDING

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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:
SK02 Rev B
SK03 Rev A
SK04 Rev C
SK05 Rev B
SK06 Rev B
SK11 Rev F
SK12 Rev X
SCP/2000/70/FO1C, and as contained within the application documentation.
3. Prior to their use on the development samples of all external facing and roofing 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.
4. 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.
5. 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), any window or opening in the elevations facing north east and south west shall only be glazed or re-glazed using obscure glass and shall be non-opening, and shall thereafter be permanently retained as such.
6. The ridge and eaves heights of the building hereby approved shall not exceed a maximum of 9.5 metres and 6.5 metres respectively, when measured from ground level.
7. Prior to the first occupation of the residential development hereby approved, the amenity and bin storage areas shall be laid out in strict accordance with the approved drawing no. SK11 Rev F and shall thereafter be retained for those uses.

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8. The site shall be developed in strict accordance with the ground and / or floor levels indicated on the approved plan ref: SK11 Rev F. No changes to floor levels or external ground levels shall be made without the prior written approval of the Local Planning Authority.

9. Within three months of commencement of development, full details of a hard and soft landscaping scheme together with a timescale for implementation of works shall be submitted to and approved in writing by the Local Planning Authority.

10. The landscaping scheme submitted and approved in connection with condition no. 9 shall be fully implemented in all respects within the agreed timescale and in strict accordance with the approved scheme.

11. The planting scheme implemented in connection with condition no. 10 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.

12. Within six months of the first use of the development, trees shall be planted on the land to the north of the application site, as shown on plan ref: SK11 Rev F in accordance with a detailed planting scheme which has been submitted to and approved in writing by the Local Planning Authority.

13. The development shall be carried out in strict accordance with the methodology, findings and recommendations contained within the Preliminary Ecology Report (by Anthony Nickson Ecology) dated May 2019, approved as part of this application.

14. Within three months of commencement of development, a boundary treatment scheme within and around the site shall be submitted to, and approved in writing by, the Local Planning Authority. 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) and with the exception of those shown on the approved plans, no gate, fence, wall or other means of enclosure shall be erected on the site. 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.

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15. 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. 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.

16. No part of the development shall be occupied until the sustainable drainage scheme for the site has been completed in accordance with condition no. 15. The sustainable drainage scheme shall be managed and maintained thereafter in strict accordance with the agreed management and maintenance plan.

17. No development shall take place within 3 metres either side of the public sewer which crosses the site.

18. No part of the development shall commence, including the demolition of the existing building, until a drainage connectivity survey of the existing development has been carried out to determine current foul and surface water drainage methods and has been submitted to and approved in writing by the Local Planning Authority in conjunction with the drainage scheme as is required by condition no. 15.

Approved on: 19/11/2021 **Reference Number:** P/2021/1021

By: Wrexham County Borough Council

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19. Prior to first use of the development the site shall be laid out in strict accordance with layout plan(s) No. Sk11 Rev F.

20. Prior to first use of the development hereby approved the vehicular access shall provide visibility splays of 2.4 metres x 25 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 carriageway. The splays shall thereafter be permanently retained clear of any such obstruction to visibility.

21. The vehicular parking and turning areas as shown on approved drawing no. SK11 Rev F shall be fully laid out / marked with white lining materials, 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 vehicles at all times.

22. No part of the development shall commence until a Construction Management Plan including provisions for contractor parking and builder's compound has been submitted to and approved in writing by the Local

Partial Discharge – Demolition (of Existing Building Phase) Only

Approved on: 28/01/2022 **Reference Number:** P/2021/1171

By: Wrexham County Borough Council

Approved CMP Ref: Construction Phase Plan Kingsley Circle - Demolition - Nov 2021.doc (Rev 1 Jan 2022)

Planning Authority and the Plan as is approved has been fully implemented.

23. No part of the development shall commence until a scheme detailing the construction of the following has been submitted to and approved in writing by the Local Planning Authority:

- 1) Detailed layout, design, lighting, drainage and construction of the proposed new access and footways,
- 2) 1200 x 1200mm tactile paving and dropped kerbs,
- 3) Stopping up of existing highway (footway) at the existing access.

The scheme as is approved shall be fully implemented prior to first use of the development.

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24. 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.

Partial Discharge – Demolition (of Existing Building) Phase Only

Approved on: 28/02/2022 **Reference Number:** P/2021/1171

By: Wrexham County Borough Council

Approved Dust Management Plan Ref: Dust Management Plan, Development at Kingsley Circle, Eaton, Drive, Wrexham, LL13 9BP', by Castlemead Group Ltd, dated Jan 2022

25. All works in relation to the implementation of this permission, including deliveries to and / or leaving the site, shall be undertaken only between the hours of 7.30 and 18.00 Monday to Friday, and 08.00 to 14.00 on a Saturday, and at no time on a Sunday or a Bank Holiday unless the prior written approval of the Local Planning Authority has been obtained.

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 the amenities of the occupiers of nearby properties in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
5. To protect the amenities of the occupiers of nearby properties in accordance with Policy GDP1 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. In the interests of the amenities of the future occupants of the buildings in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.

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8. To comply with section 71ZA (2) of the Town and Country Planning Act 1990.
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 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.
11. 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.
12. 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.
13. 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.
14. 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.
15. To ensure satisfactory drainage of the site and to avoid flooding in accordance with Policies GDP1 and EC13 of the Wrexham Unitary Development Plan.
16. To ensure satisfactory drainage of the site and to avoid flooding in accordance with Policies GDP1 and EC13 of the Wrexham Unitary Development Plan.
17. To protect the integrity of the public sewer and avoid damage thereto in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
18. To ensure satisfactory drainage of the site and to avoid flooding in accordance with Policies GDP1 and EC13 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 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.

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21. 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
22. In the interests of highway safety in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
23. In the interests of highway safety in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
24. To protect the amenities of the occupiers of nearby properties in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
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Note(s) to applicant

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

The permission hereby granted does not authorise encroachment upon, or interference with, the adjoining property.

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 292050.

The proposed highway 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.

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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.

There are existing sections of adopted highway passing through the development site. These sections of adopted highway / footway will need to be stopped up by the applicant prior to the commencement of any development. The applicant will be required to apply for consent to the Welsh Government to stop up this section of adopted highway under the Town and Country Planning Act 1990 - Section 247.

Any additional lighting columns / re-location of existing columns at the development site and connecting footways will need to be agreed with our Street Lighting Section - contact Paul Rogers on Tel: 01978 729673.

The applicant is advised that compliance with condition no. 25 does not provide an exemption from the statutory noise nuisance provisions of the Environmental Protection Act 1990.

Any complaints received relating to noise from the development during the permitted hours may still be investigated using the Council's Standardised Procedure for Dealing with Noise Nuisance Complaints and legal action may be taken where appropriate.

Applicants are advised that compliance with condition no. 24 does not provide an exemption from the statutory nuisance provisions of the Environmental Protection Act 1990. Under the Act dust from any type of activity can be judged to be causing a statutory nuisance to neighbouring properties. A legal notice can be served requiring that the 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. 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;

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- 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.

This permission is granted subject to the above conditions. Some conditions may require your attention prior to you carrying out any work on the proposal. These conditions are known as ""conditions precedent"". You should be aware that it is important that you comply with any ""conditions precedent"". If you do not, then any work you undertake on the development subject of this permission would not have planning permission.

You must comply with your duties in section 71ZB (notification of initiation of development and display of notice: Wales) of the Town and Country Planning Act 1990. The duties in that section include the following:

* Notice of initiation of development

Before beginning any development to which this planning permission relates, notice must be given to the Local Planning Authority in the form set out in Schedule 5A to the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 or in a form substantially to the like effect. The forms set out the details that must be given to the Local Planning Authority to comply with this duty.

* Display of notice

The person carrying out development to which this planning permission relates must display at or near the place where the development is being carried out, at all times when it is being carried out, a notice of this planning permission in the form set out in Schedule 5B of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 or in a form substantially to the like effect. The form sets out the details that the person carrying out development must display to comply with this duty.

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The person carrying out development must ensure that the notice is:

- a) Firmly affixed and displayed in a prominent place at or near the place where the development is being carried out;
- b) Legible and easily visible to the public without having to enter the site; and
- c) Printed on durable material. The person carrying out development should take reasonable steps to protect the notice (against it being removed, obscured or defaced) and, if need be, replace it.



Officer Appointed for this purpose
Chief Officer Planning & Regulatory

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