

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	KAYE EDWARDS	Code Number	LLR P/2019/0779
Agent	REAL PLANNING MR GERRY KELLETT DUNMORE CHURCH STREET PENYCAE WREXHAM LL14 2RL	Date Received	10/10/2019
		Decision Date	20/01/2020

Town and Country Planning Act, 1990

Location of application

BRYER, TREVOR HALL ROAD, GARTH, WREXHAM, LL20 7UP

Description of application

DEMOLITION OF EXISTING DWELLING AND DOUBLE GARAGE WITH FLAT OVER AND ERECTION OF REPLACEMENT TWO-STOREY DWELLING WITH DETACHED DOUBLE GARAGE / STORE WITH SELF-CONTAINED FLAT ABOVE

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

EC4	Hedgerows, Trees and Woodland
EC6	Biodiversity Conservation
GDP1	Development objectives
H10	Replacement dwellings in the countryside
H5	Housing in the countryside

Revision	Date	Description of Decision
0	20/01/2020	Planning permission issued
1	23/12/2020	Discharge of condition 4 issued
2	31/08/2021	Discharge of condition 6 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.

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2. The development shall only be carried out in strict accordance with the details shown on the approved drawing(s) numbered Dwg No 03 Rev B, Dwg No 04 Rev B, Dwg No 05 Rev B and as contained within the application documentation.

3. Prior to first occupation of the development hereby approved, the existing dwelling and garage / annexe on the site (as shown on Dwg No 2 Rev B) shall both be demolished.

4. Prior to their use on the development samples of all external facing and roofing materials, including windows, doors and balcony details 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.

Details approved: Documents / photographs / information received 20th August 2020 and 2 no. photographs received 23/12/2020 **Approved by:** Wrexham County Borough Council **Date:** 23/12/2020 **App Ref No:** P/2020/0465

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), no further development shall take place under Classes A-E of Schedule 2 Part(s) 1, other than the development hereby granted permission.

6. 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.

Details approved: Dwg No. 05 Rev A, Landscape Plan titled 'P/2019/0779', Email confirmation from agent dated 31/08/2021 **Approved by:** Wrexham County Borough Council **Date:** 31/08/2021 **App Ref No:** P/2021/0673

7. The landscaping scheme submitted and approved in connection with condition no. 6 shall be fully implemented in all respects within the agreed timescale and in strict accordance with the approved scheme.

8. No part of the development shall commence until a detailed Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in strict accordance with the Method Statement as is approved. The Method Statement shall include the following:

a) A specification for tree protection fencing and ground protection measures that comply with British Standard 5837:2012;

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- b) A Tree Protection Plan showing the location of the trees to be removed and retained with their crown spreads, Root Protection Areas, Construction Exclusion Zones, and location of protective fencing and ground protection measures accurately plotted;
 - c) A full specification for any access, driveway, path, underground services or wall foundations within retained tree Root Protection Areas or Construction Exclusion Zone, including any related sections and method for avoiding damage to retained trees;
 - d) Details of general arboricultural matters including proposed practices with regards to cement mixing, material storage and fires;
 - e) Details of the frequency of supervisory visits and procedures for notifying the findings of such visits to the Local Planning Authority;
 - f) Method for protecting retained trees during demolition works;
 - g) Details of all proposed tree works, including felling and pruning.
9. The recommendations as set out in Section 10 of the submitted approved Ecology Report by edc (job ref 0987 - Bryer Report V1) shall be carried out and adhered to in full.
10. Should demolition not occur within 12 months of the date of this permission, additional bat surveys shall be carried out and submitted to the Local Planning Authority for approval. The development shall be carried out in accordance with the approved details.
11. The annexe shall only be used for purposes ancillary to the use of the dwelling as a single dwelling house and for no other purpose.

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. In the interest of ensuring development on the site is limited to that approved, as submitted as part of the application.
- 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 prevent further unrestricted development on the site, which may then result in a conflict with UDP Policy H10.
- 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.

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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 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.
9. 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.
10. 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.
11. To specify the plans and description of development to which this permission relates, given the scale of development approved as part of the application.

Note(s) to applicant

The scheme of landscaping referred to in the above conditions shall include any changes to ground levels (shown by existing and proposed contours/levels) and any existing vegetation (showing that to be retained) and proposed planting. In addition, any of the following which apply to the particular site must be included:-

means of enclosure, car parking layout, access and circulation areas, materials for hard surfaced areas, any minor structures (e.g. refuse stores, lamp columns, play equipment) location of services, and any historic landscape features to be retained/improved.

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.

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

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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.

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.



Officer Appointed for this purpose
Chief Officer Planning & Regulatory

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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