

Planning Obligation by Deed of Agreement under Section 106 of the Town and Country Planning Act 1990

Relating to Wrenbury Court, Wrenbury Way, Cefn Mawr, Wrexham

Dated : 14th July 2021

WREXHAM COUNTY BOROUGH COUNCIL (1)
and
WALES & WEST HOUSING ASSOCIATION LIMITED (2)

Sioned Wyn Davies
Chief Officer Governance & Customer
Guildhall
Wrexham
LL11 1AY
Ref: HDW/039505

DATE 14th July 2021

PARTIES

- (1) **WREXHAM COUNTY BOROUGH COUNCIL** of Guildhall, Wrexham, LL11 1AY ("Council")
- (2) **WALES & WEST HOUSING ASSOCIATION LIMITED** a registered society within the meaning of the Co-operative and Community Benefit Societies Act 2014 incorporated in England (registration number 21114R) whose registered office is at Archway House, 77 Parc Ty Glas, Llanishen, Cardiff CF14 5DU ("the Owner")

INTRODUCTION

- (1) The Council is the local planning authority for the purposes of this Deed and the Town & Country Planning Act 1990 (as amended) for the area within which the property described in the First Schedule hereto is situate and is the local planning authority by whom a planning obligation is enforceable
- (2) The Owner is the registered proprietor of the Site
- (3) The Owner has submitted the Application to the Council and the parties have agreed to enter into this deed in order to secure the planning obligations contained in this Deed.
- (4) The Council resolved on the 1st March 2021 to grant the Planning Permission subject to the prior completion of this Deed.

NOW THIS DEED WITNESSES AS FOLLOWS:

OPERATIVE PART

1 DEFINITIONS

For the purposes of this Deed the following expressions shall have the following meanings:

"Act"	the Town and Country Planning Act 1990
"Application"	the application for full planning permission dated 28 th August 2020 submitted to the Council for the Development and allocated reference number P/2020/627
"Commencement of Development"	the date on which any material operation (as defined in Section 56(4) of the Act) forming part of the Development begins to be carried out other than (for the purposes of this Deed

	and for no other purpose) operations consisting of site clearance, demolition work, archaeological investigations, investigations for the purpose of assessing ground conditions, remedial work in respect of any contamination or other adverse ground conditions, diversion and laying of services, erection of any temporary means of enclosure, the temporary display of site notices or advertisements and "Commence Development" shall be construed accordingly.
"Development"	the development of the Site consisting as set out in the Application
"Education Contribution"	means payment of contributions to primary education facilities in accordance with LPGN 27 (details of which are annexed as the Seventh Schedule to this agreement) to be paid by the Owner to the Council in accordance with the provisions of the Second Schedule calculated as follows: 26 no 2 beds £1471 x 26 = £38,246 6 no 3 beds £2819 x 6 = £ 16,914 – Total £55,160
"Index"	All Items Index of Retail Prices issued by the Office for National Statistics
"Interest"	interest at 5 per cent above the base lending rate of the Barclays Bank Plc from time to time..
Management Provision"	The obligations upon the landowner in respect of the management and maintenance of the communal and landscaped / planted areas in accordance with the Fourth Schedule
"Plan A"	the Plan A attached to this Deed
"Planning Permission"	the draft full planning permission subject to conditions to be granted by the Council pursuant to the Application as set out in the Fifth Schedule.

"Public Open Space Contribution"	means the sum of £17,000 (indexed in accordance with the provisions of this Deed) to be paid by the Owner to the Council and expended by the Council in accordance with the provisions of the Third Schedule
"Practical Completion"	issue of a certificate of practical completion by NHBC by way of the usual NHBC cover note
"Site"	the land subject to this Deed as shown edged red on the Plan A and more particularly described in the First Schedule.

2 CONSTRUCTION OF THIS DEED

- 2.1 Where in this Deed reference is made to any clause, paragraph or schedule or recital such reference (unless the context otherwise requires) is a reference to a clause, paragraph or schedule or recital in this Deed.
- 2.2 Words importing the singular meaning where the context so admits include the plural meaning and vice versa.
- 2.3 Words of the masculine gender include the feminine and neuter genders and words denoting actual persons include companies, corporations and firms and all such words shall be construed interchangeable in that manner.
- 2.4 Wherever there is more than one person named as a party and where more than one party undertakes an obligation all their obligations can be enforced against all of them jointly and against each individually unless there is an express provision otherwise.
- 2.5 Any reference to an Act of Parliament shall include any modification, extension or re-enactment of that Act for the time being in force and shall include all instruments, orders, plans regulations, permissions and directions for the time being made, issued or given under that Act or deriving validity from it.
- 2.6 References to any party to this Deed shall include the successors in title to that party and to any deriving title through or under that party and in the case of the Council and County Council the successors to their respective statutory functions.

3 LEGAL BASIS

- 3.1 This Deed is made pursuant to Section 106 of the Act Section 111 of the Local Government Act 1972 and Section 2 of the Local Government Act 2000 and all other enabling powers.
- 3.2 The covenants, restrictions and requirements imposed upon the Owner under this Deed create planning obligations pursuant to Section 106 of the Act and are enforceable by the Council as local planning authority against the Owner

4 CONDITIONALITY

This Deed is conditional upon:

- (i) the grant of the Planning Permission; and
- (ii) the Commencement of Development;

save for the provisions of Clauses 5.2, 7.1, 13 and 14 (commencement of development, legal costs, jurisdiction and delivery) fees and any other relevant provisions which shall come into effect immediately upon completion of this Deed.

5 THE OWNER'S COVENANTS

5.1 The Owner covenants with the Council as set out in the Second and Third and Fourth Schedules.

5.2 The Owner shall serve on the Council a notice of Commencement of Development not less than two days before Commencement of Development.

6 THE COUNCIL'S COVENANTS

6.1 The Council covenants with the Owner as set out in the Fourth Schedule.

7 MISCELLANEOUS

7.1 The Owner shall pay the Council on completion of this deed the reasonable legal costs of the Council incurred in the negotiation, preparation and execution of this Deed in the sum of £1000

7.2 No provisions of this Deed shall be enforceable under the Contracts (Rights of Third Parties) Act 1999

7.3 This Deed shall be registrable as a local land charge by the Council.

7.4 Where the agreement, approval, consent or expression of satisfaction is required by the Owner from the Council under the terms of this Deed such agreement, approval or consent or expression of satisfaction shall not be unreasonably withheld or delayed and any such agreement, consent, approval or expression of satisfaction shall be given on behalf of the Council by the Head of..... and any notices shall be deemed to have been properly served if sent by recorded delivery to the principal address or registered office (as appropriate) of the relevant party.

7.5 Following the performance and satisfaction of all the obligations contained in this Deed the Council shall forthwith effect the cancellation of all entries made in the Register of Local Land Charges in respect of this Deed.

7.6 Insofar as any clause or clauses of this Deed are found (for whatever reason) to be invalid illegal or unenforceable then such invalidity illegality or unenforceability shall not affect the validity or enforceability of the remaining provisions of this Deed.

7.7 This Deed shall cease to have effect (insofar only as it has not already been complied with) if:-

7.7.1 the Planning Permission shall be quashed revoked or otherwise withdrawn or (without the consent of the Owner) is modified by any statutory procedure

7.7.2 the Planning Permission shall expire prior to the Commencement of Development; or

7.7.3 the Site is developed under a new planning permission (other than one issued under Section 73 of the Act for variation or discharge of a condition of the Planning Permission) granted after the Planning Permission by the Council or any other competent authority and there has been no Commencement of Development.

7.8 No person shall be liable for any breach of any of the planning obligations or other provisions of this Deed after it shall have parted with its entire interest in the Site but without prejudice to liability for any subsisting breach arising prior to parting with such interest.

7.9 This Deed shall not be enforceable against owner-occupiers or tenants of dwellings constructed pursuant to the Planning Permission nor against those deriving title from them.

7.10 Nothing in this Deed shall prohibit or limit the right to develop any part of the Site in accordance with a planning permission (other than the Planning Permission) granted (whether or not on appeal) after the date of this Deed.

8 WAIVER

No waiver (whether expressed or implied) by the Council or Owner of any breach or default in performing or observing any of the covenants terms or conditions of this Deed shall constitute a continuing waiver and no such waiver shall prevent the Council or Owner from enforcing any of the relevant terms or conditions or for acting upon any subsequent breach or default.

9 CHANGE IN OWNERSHIP

The Owner agrees with the Council to give the Council immediate written notice of any change in ownership of any of its interests in the Site occurring before all the obligations under this Deed have been discharged such notice to give details of the transferee's full name and registered office (if a company or usual address if not) together with the area of the Site or unit of occupation purchased by reference to a plan

10 INDEXATION

Any sum referred to in the Second and Third Schedules shall be increased by an amount equivalent to the increase in the Index from the date hereof until the date on which such sum is payable.

11 INTEREST

If any payment due under this Deed is paid late, Interest will be payable from the date payment is due to the date of payment.

12 VAT

All consideration given in accordance with the terms of this Deed shall be exclusive of any value added tax properly payable.

13 JURISDICTION

This Deed is governed by and interpreted in accordance with the law of England and Wales.

14 DELIVERY

The provisions of this Deed (other than this clause which shall be of immediate effect) shall be of no effect until this Deed has been dated.

IN WITNESS whereof the parties hereto have executed this Deed on the day and year first before written.

FIRST SCHEDULE

DESCRIPTION OF THE SITE

Land on the west side of Heol Berwyn, Cefn Mawr, Wrexham which is registered at the Land Registry with title numbers **CYM370969** and **CYM435123**

SECOND SCHEDULE

Owner's Covenants – Educational Contribution

Prior to first occupation of Development the Owner shall pay the Primary Educational Contribution to the Council and the monies paid shall be used by the Council to provide additional educational facilities within Ysgol Cefn Mawr.

THIRD SCHEDULE

Owner's Covenants – Public Open Space Contribution

Prior to first occupation of Development the Owner shall pay the Public Open Space Contribution to the Council which shall be used by the Council to extend and improve the provision and facilities at Ty Mawr County Park.

FOURTH SCHEDULE

Owner Covenants - Management Provisions

The owners of all communal areas including driveways, footways, carriageways, parking areas, hard and soft landscaped areas, buffer zones, mitigation, drainage, trees and planted features, will be responsible for the future management and maintenance of these areas in perpetuity, as from the first occupation of the Development, in accordance with the landscape maintenance plan approved as part of Planning Permission Reference P/2020/0627.

FOURTH SCHEDULE

Council's Covenants - Discharge of obligations

The Council covenants with the Owner to use the Educational Contribution and Public Open Space Contribution ("the Contributions") received from the Owner under the terms of this Deed for the purpose specified in this Deed for which they are paid

FIFTH SCHEDULE

Draft Planning Permission

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 WALES AND WEST HOUSING LIMITED

Code Number

CEF P/2020/0627

Agent MR GARY COOK
WALES AND WEST HOUSING
TY DRAIG
ST DAVIDS PARK
EWLOE
CH5 3DT

Date Received

28/08/2020

Decision Date

Town and Country Planning Act, 1990

Location of application

WRENBURY COURT, WRENBURY WAY, CEFN MAWR, WREXHAM, LL14 3NE

Description of application

DATBLYGIAD PRESWYL O 34 ANHEDDAU FFORDDIADWY /
RESIDENTIAL DEVELOPMENT OF 34 AFFORDABLE DWELLINGS

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

Revision	Date	Description of Decision
0		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:
100 Rev A
101 Rev A
102 Rev A
103 Rev A
104 Rev A
105
701 Rev H
703 Rev A

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200 Rev A
201 Rev A
202 Rev A
203 Rev A
204 Rev A
205

and as contained within the application documentation.

3. Prior to their use on the development samples of all external roofing and facing materials, including windows, doors and retaining walls, 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. 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.

5. No part of the development shall be occupied until the sustainable drainage scheme for the site has been completed in accordance with condition no. 4. The sustainable drainage scheme shall be managed and maintained thereafter in strict accordance with the agreed management and maintenance plan.

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6. 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, G and H of Schedule 2 Part 1, and Classes A, B and C of Schedule 2 Part 2, other than the development hereby granted permission.

7. No part of the development shall be occupied until boundary treatments have been constructed on site in strict accordance with a scheme which has been submitted to, and approved in writing by, the Local Planning Authority. The boundary treatments shall thereafter be permanently retained and only replaced on a like for like basis. No other gate, fence, wall or other means of enclosure shall be erected on any part of the site.

8. 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 buildings.

9. Prior to first use of the development hereby approved the vehicular access to the site 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 above the level of the adjoining carriageway. The splays shall thereafter be permanently retained clear of any such obstruction to visibility.

10. The vehicular parking areas as shown on approved drawing number 701 Rev H shall be fully laid out, surfaced and drained prior to first use of the development. These parking areas shall thereafter be permanently retained and kept free of any obstruction, and made available solely for the parking of motor vehicles at all times.

11. Prior to first use of the development the site shall be laid out in strict accordance with layout plan no. 701 Rev H.

12. No part of the development shall be occupied / first used until the new footways and carriageways have been constructed in strict accordance with Highway Authority adoptable standards.

13. 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:

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- a) A specification for tree protection fencing and ground protection measures that comply with British Standard 5837:2012;
 - 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.
14. 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.
15. Within three months of commencement of development, full details of a hard and soft landscaping scheme including below-ground tree planting pit specifications in accordance with BS8545:2014 section F.1, together with a five year Maintenance Plan and timescales for implementation of works shall be submitted to and approved in writing by the Local Planning Authority.
16. The landscaping scheme submitted and approved in connection with condition no.15 shall be fully implemented in all respects within the agreed timescale and in strict accordance with the approved scheme.
17. The planting scheme implemented in connection with condition no.16 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.

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18. No part of the development shall commence until the site has been inspected by a competent ecologist for signs of occupation by badgers. The results of this survey should be submitted to and approved in writing by the Local Planning Authority. The development shall commence no later than within one month of the approval of these survey results.

19. No part of the development shall commence until details of the role and responsibilities of, and operations to be overseen by, an appropriately competent person (e.g. an ecological clerk of works) have been submitted to and approved in writing by the Local Planning Authority. The appointed competent person shall undertake all roles and responsibilities, and oversee all operations, in strict accordance with these details as are approved.

20. Prior to first use of the development, an external lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall:

- a) identify those areas and features on site that are particularly sensitive for wildlife and that are likely to cause disturbance in or around their foraging or commuting routes; and
- b) indicate where external lighting will be installed and the type of lighting to be used.

The scheme as is approved shall be fully implemented in strict accordance with the details as are approved and no other external lighting shall be installed on any part of the site.

21. The existing trees, shrubs and hedges shown on drawing nos. 701 Rev H and Tree Protection Plan No. 03 to be permanently retained shall not be cut down, grubbed out, lopped or uprooted. Any trees, shrubs or hedges removed or being severely damaged or becoming diseased shall be replaced with trees, shrubs or hedging plants of the equivalent size and species.

22. The site shall be developed in accordance with the ground and / or floor levels indicated on the approved plan refs: 701 Rev H (Site Plan) and 703 Rev A (Sections). No other changes to floor levels or external ground levels shall be made without the prior written approval of the Local Planning Authority.

23. 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.

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24. The development shall be carried out in strict accordance with the findings and recommendations contained within the Ecology Assessment referenced 0978-Wrenbury Way Report-V1 and dated February 2019, approved as part of this application. The mitigation, compensation and Reasonable Avoidance Measures contained within Ecology Assessment referenced 0978-Wrenbury Way Addendum Report-V1 and dated February 2021, and Mitigation Plan referenced 0978- Mitigation Plan MIT-03 Rev C, hereby approved, shall be fully implemented in all respects prior to first use of the development.

25. No development shall take place within 3 metres either side of the public sewers which cross the site.

26. 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.

27. No part of the development shall commence until an Odour Impact Assessment Report which has regard to the Institute of Air Quality Managements "Guidance on the assessment of odour for planning", has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the recommendations contained with the approved report.

28. No part of the development shall commence until a noise survey in order to determine noise levels for both day and night has been carried out, and a detailed report of the survey findings together with a detailed scheme of noise attenuation and/or noise insulation measures has been submitted to and approved in writing by the Local Planning Authority. The measures as are approved shall be fully implemented prior to the first occupation / use of the development.

29. No part of the development shall commence until a scheme for the provision of affordable housing within the development has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in strict accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of Welsh Government Technical Advice Note 2 or any future guidance which replaces it. The scheme shall include:

- i. The numbers, type, tenure and location on the development of the affordable housing provision to be made which shall consist of not less than 100% of housing units;

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- ii. The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
 - iii. The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved;
 - iv. The arrangements to ensure such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - v. The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
30. No part of the development shall commence until details of secure cycle storage facilities have been submitted to and approved in writing by the Local Planning Authority. The facilities as are approved shall be provided on site prior to first use of the development and shall thereafter be permanently retained.

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 satisfactory drainage of the site and to avoid flooding in accordance with Policies GDP1 and EC13 of the Wrexham Unitary Development Plan.
5. To ensure satisfactory drainage of the site and to avoid flooding in accordance with Policies GDP1 and EC13 of the Wrexham Unitary Development Plan.
6. 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.
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.

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8. To protect the amenities of the occupiers of nearby properties in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
9. 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.
10. To provide for the parking of vehicles clear of the highway in accordance with Policies GDP1 and T8 of the Wrexham Unitary Development Plan
11. In the interests of highway safety in accordance with Policy GDP1 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 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.
14. 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.
15. 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.
16. 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.
17. 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.
18. 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.
19. 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.
20. 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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21. To ensure the amenity afforded by the trees is continued into the future in accordance with Policies GDP1, PS2 and EC4 of the Wrexham Unitary Development Plan.

22. To comply with section 71ZA (2) of the Town and Country Planning Act 1990.

23. In the interests of highway safety in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.

24. 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.

25. To protect the integrity of the public sewer and avoid damage thereto in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.

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

27. To protect the amenities of the future occupiers of the dwellings hereby approved in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.

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

29. To secure the provision of affordable housing in accordance with Policy H7 of the Wrexham Unitary Development Plan.

30. To enable the control of matters not detailed in the application in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.

Note(s) to applicant

The applicant may 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

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The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they 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 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

The written consent of the Highway Authority (as required by section 38 of the Highways Act 1980) must be obtained before any work is carried out on private land that is intended for adoption by the Highway Authority in connection with condition no. 12. All works shall be constructed to a safe and usable condition and completed to an adoptable standard. Further guidance can be obtained from the Highway Authority of Wrexham County Borough Council.

This planning permission requires that development be carried out in accordance with the approved plans, including the construction of an estate road intended for adoption by the Council under the Highways Act 1980. It is essential therefore that the detailed proposals are submitted to the Highway Authority and confirmed as acceptable BEFORE development commences. Please contact the Highway Authority on telephone no. 01978 729690 for further guidance.

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

Applicant	WALES AND WEST HOUSING LIMITED	Code Number	CEF P/2020/0627
Agent	MR GARY COOK WALES AND WEST HOUSING TY DRAIG ST DAVIDS PARK EWLOE CH5 3DT	Date Received	28/08/2020
		Decision Date	

The scheme of arboricultural supervision required in connection with condition no. 14 above shall make provision for a pre-commencement site meeting between the Local Planning Authority's Arboriculturist, the Developer/ Applicant/ Agent and their appointed Arboricultural Supervisor to agree matters of detail. It shall specify the frequency of arboricultural monitoring and reporting to the Local Planning Authority on the status of all tree protection measures throughout the course of the development and make provision for the submission and approval of a satisfactory arboricultural completion statement.

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 should check carefully that the levels agreed as part of this permission are complied with. Any divergence from these levels is likely to invalidate your permission and could result in enforcement action. 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.

Applicant	WALES AND WEST HOUSING LIMITED	Code Number	CEF P/2020/0627
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The person carrying out development must ensure that the notice is:

- Firmly affixed and displayed in a prominent place at or near the place where the development is being carried out;
- Legible and easily visible to the public without having to enter the site; and
- 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.

All works at the site must be carried out in accordance with PPG6: 'Working at construction and demolition sites' which are available on the following website: <http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppgs-and-replacement-series/guidance-for-pollution-prevention-gpps-full-list/>

The activity of importing waste into the site for use as, for example hardcore, must be registered with Natural Resources Wales as an exempt / permissible activity under the Environmental Permitting Regulations 2016. The developer should contact Natural Resources Wales to discuss the necessity for an exemption/permit for any material imported to and exported from the site.

If during construction/excavation works any contaminated material is revealed, then the movement of such material either on or off site should be done in consultation with Natural Resources Wales. Any waste excavation material or building waste generated in the course of the development must be disposed of satisfactorily and in accordance with Section 34 of the Environmental Protection Act 1990. Carriers transporting waste from the site must be registered waste carriers and movement of any Hazardous Waste from the site must be accompanied by Hazardous waste consignment notes. 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;

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- 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.

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.

You are advised that this grant of planning permission was made following the completion of an Agreement under Section 106 of the Town and Country Planning Act. Before undertaking any work under this permission you are advised to obtain full details of the Agreement and ensure that you are able to comply with its terms.

The development site is in close proximity to a sewage treatment works and the developer is therefore required to carry out a noise survey in connection with condition no. 26 in order to determine noise levels for both day (0700 - 2300 hours) and night (2300 - 0700 hours) having regard to Planning Guidance (Wales), Technical Advice Note (TAN) 11 - Noise. The report of the noise survey findings shall include:

a) Noise levels arising from day/night time activities in the vicinity of the proposed development site and the impact upon the proposed accommodation, and

Applicant WALES AND WEST
HOUSING LIMITED

**Code
Number** CEF P/2020/0627

Agent MR GARY COOK
WALES AND WEST
HOUSING
TY DRAIG
ST DAVIDS PARK
EWLOE
CH5 3DT

**Date
Received** 28/08/2020

**Decision
Date**

b) A detailed scheme of noise insulation and / or attenuation measures so designed to safeguard the amenity of the future occupants of the proposed accommodation hereby approved.



**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

DRAFT

SIXTH SCHEDULE

LPGN27

This is one of a series of guidance notes providing information to help you understand our procedures and improve design standards.

27. Developer Contributions to Schools

This is one of a series of local planning guidance notes designed to amplify policy GDP2 in the Wrexham Unitary Development Plan (UDP) and identifies the circumstances and locations in which developer contributions to the provision of education facilities, such as additional classrooms, will be necessary. The (UDP) was initially adopted by the Council in February 2005. This updated version was subject to consultation between 16 July and 13 August 2018 and 1 October and 26 October 2018 and was adopted by the Executive Board on 11 December 2018. This guidance note is a material consideration in the determination of all relevant planning policies.

Education Planning in Wrexham

For education planning purposes links between certain primary schools and secondary schools in groups throughout the County Borough are maintained. The Council's School Admissions Policy grants parental preference, unless to do so would prejudice the efficient and effective use of its resources. Over 98% of pupils are allocated places in accordance with their parents' first preference.

Background to this Guidance Note

Local authorities find themselves under increasing financial pressure to meet the educational needs arising from residential development. Cumulatively, even relatively small developments can have a significant financial impact on the provision of school places. Welsh

Office Circular 13/97 'Planning Obligations' makes provision for developer contributions to offset the negative consequences of development provided there is guidance on this in the local development plan. The Wrexham UDP provides this guidance through Policy GDP2 on Capacity of Infrastructure & Community Facilities.



The rest of this note sets out further information on how this Policy will be applied.

Criteria

Any developer contribution will be based on the following considerations:

- It will only apply to proposed developments of four or more residential units, whether by new build, conversion or changes of use. Developments should not be deliberately sub-divided or phased in an attempt to avoid this threshold. Where the development has been split or phased, the resulting cumulative number of dwellings will be used to calculate the financial contribution.
- It will only apply to schools deemed to have a shortage of places taking into account other residential developments within the area and after addition of the extra pupils likely to be generated by the proposed development.
- The number, type and size of the proposed residential units. No contributions will be sought for apartments or dwellings that have only 1 bedroom. More detail is given in Table 1.
- The likely ratio of pupils per housing unit applicable to the appropriate school or schools at both primary and secondary level.
- The location of the development and likely impact on existing schools. This will be assessed using the same criteria as the Council's Schools Admissions Policy in relation to proximity.

If the potential pupils generated by the proposed development cannot be accommodated within existing schools then a commuted payment will be calculated by multiplying the additional places required by the pupil cost figure (see Table 1) to produce the commuted sum to be included in the planning obligation. Contributions by way of a release of land for a new school or direct construction may be considered as an alternative to payment of a commuted sum at the Council's discretion.

Timing of contributions

Any built educational provision will need to be completed to reflect the planned occupation of the homes. For larger developments phased payment will be considered to fit construction and occupation programmes.

Cost guidelines

The following guidelines are designed to give prospective developers an idea of the possible implications of their proposals:

- A development of 100 x 3 bedroom houses produces around 23 primary age pupils and around 20 secondary age pupils.
- For developments that generate 100 pupils and above consideration will be given to a new school on a new site dependent on location and future growth potential of the area and the applicant will be expected to contribute in proportion to the number of school places the development generates.
- The Council will specify the nature of the works or the area which the contribution will finance, which may include a completely new school.
- Where a contribution is required, a draft Section 106 Agreement should accompany the planning application. Wrexham County Borough Council's Section 106 templates are available on request from the Planning Department.



TABLE 1: Cost Guidelines

School Type	No. of pupils generated per dwelling		Building Cost Multiplier £	Contribution £
Primary 4 - 11 years	Apartments with 2 or more bedrooms	0.07	12257	858
	2 bedrooms	0.12		1471
	3 bedrooms	0.23		2819
	4+ bedrooms	0.31		3800
Secondary 11 - 16 years	Apartments with 2 or more bedrooms	0.04	18469	739
	2 bedrooms	0.07		1293
	3 bedrooms	0.2		3694
	4+ bedrooms	0.31		5725
Post 16	Apartments with 2 or more bedrooms	0.02	12000	240
	All dwellings	0.06		720

Notes

- The number of pupils generated per dwelling figures set out in the Table 1 are derived from 2011 Census statistics.
- Building cost multipliers are based on Department for Education guidelines, pupil allocations and average building cost assessment.

TABLE 2: Worked Example			
Number of dwellings	Primary	Secondary	Total
10 x 2+ bedroom apartments	10 x 858 = £8580	10 x 739 = £7390	£15970
10 x 2 bedroom houses	10 x 1471 = £14710	10 x 1293 = £12930	£27640
10 x 3 bedroom houses	10 x 2819 = £28190	10 x 3694 = £36940	£65130
10 x 4 bedroom houses	10 x 3800 = £38000	10 x 5725 = £57250	£95250
Total	£89480	£114510	£203990

contact

Environment and Planning
16 Lord Street Wrexham. LL11 1LG

E-mail: planning@wrexham.gov.uk
website: www.wrexham.gov.uk/planning

*Adopted March 2004, Revised November 2010
Updated December 2018*

CERTIFICATE

Dorrett Evans of Wales & West Housing Association Limited, Archway House, 77
Parc Ty Glas, Llanishen, Cardiff CF14 5DU as solicitor for the Owner (as defined in the within
written Deed) hereby certifies that Paragraph (2) of the Introduction to this Deed is correct.

Signed

Dated

2021

EXECUTED as a DEED by affixing

THE COMMON SEAL of

WREXHAM COUNTY BOROUGH COUNCIL

in the presence of:-

Head of Service, Legal Democratic & Registration
Head of Corporate and Customer Services



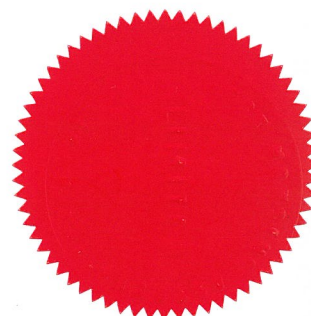
152/21(a)

EXECUTED as a Deed by)

WALES AND WEST HOUSING LIMITED)

acting by a)

Director and its Secretary or two Directors:-)



Director

Director/Secretary