

In pursuance of its powers under the Acts and Orders referred to below, the County Borough Council as Local Planning Authority, hereby determines your application in accordance with the particulars and plans comprising the application

Applicant	MR & MRS A & R MCDONALD-BROWN DMS ARCHITECTURAL SERVICES	Code Number	RHO P/2016/0321
Agent	DMS ARCHITECTURAL SERVICES MR DAVID SELVEY 31 HAIG ROAD HIGHTOWN WREXHAM LL13 7BU	Date Received	06/04/2016
		Decision Date	06/06/2016

Town and Country Planning Act, 1990

Location of application

WERN HOUSE, WERN LANE, RHOSLLANERCHRUGOG, WREXHAM,
LL14 2BT

Description of application

DEMOLITION OF WERN HOUSE, ERECTION OF ONE PAIR OF 2
BEDROOM SEMI-DETACHED DWELLINGS AND ONE 3 BEDROOM
DETACHED DWELLING WITH ASSOCIATED PARKING AND TURNING
FACILITIES

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

GDP1	Development objectives
H2	Residential development within settlements
PS1	Settlement limits
PS2	Development and the environment
PS3	Brownfield Land
PS4	Settlement Pattern
T8	Parking

Revision	Date	Description of Decision
0	06/06/2016	Planning permission issued
1	21/12/2020	Approval of details submitted in respect of condition 13
2	30/03/2021	Approval of details submitted in respect of conditions 03 and 08

Particulars of decision that permission be GRANTED

Subject to the following:-

Condition(s)

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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 FC32/RW0216/1a, FC32/RW0216/2a and contained within the application documentation.
3. Notwithstanding the requirements of condition no. 2, no external plumbing or ventilation pipes shall be installed until further details of their location, design and materials have been submitted to an approved in writing by the local planning authority. The scheme shall be implemented in accordance with those details as approved.

Date Approved: 30/3/2021 **Reference Number:** P/2021/0129

By: Wrexham County Borough Council

Approved Details: Drawing no. 10494.03.dsj

4. 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 to the detached dwelling under Classes A, B, C or E of Schedule 2 Part 1, other than the development hereby granted permission.
5. Prior to the occupation of the development hereby approved, the existing boundary wall forming the entire northern boundary of the application site shall be reduced in height so that no part of the boundary wall measures in excess of 0.9 metres measured from the height of the adjoining highway known as Wern Lane.
6. Nothing shall be planted, allowed to grow or erected to a height greater than 0.9 metres in height above the level of the nearside edge of the adjoining highway for a distance of 2.4 metres measured back from the adjoining highway along the frontage with Wern Lane from the vehicular access to a point 25m to the west. The splays shall be provided prior to first use of the development and shall thereafter be permanently retained clear of any such obstruction.
7. The vehicular access hereby approved shall be a minimum width of 4.8 metres.
8. Prior to the commencement of development, a scheme of hard and soft landscaping, to include details of all hard surfacing areas and boundary treatments shall be submitted to an approved in writing by the local planning

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authority. The scheme shall also include a timescale for their implementation and the scheme as implemented shall be retained in this condition thereafter.

Date Approved: 30/3/2021 **Reference Number:** P/2021/0129

By: Wrexham County Borough Council

Approved Details: 10494.02A.dsj

9. Prior to first use of the development hereby approved the vehicular access shall provide visibility splays of 2.4 metres x 15 metres in both directions measured to the centreline of the adjoining highway. Within these splays there shall be no obstruction in excess of 1 metre in height above the level of the adjoining highway. The splays shall thereafter be permanently retained clear of any such obstruction to visibility.

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

11. The vehicular parking and turning areas as shown on approved drawing(s) No(s). FC32/RW0216/1a shall be fully laid out, surfaced and drained prior to first use of the development. These areas shall thereafter be permanently retained and kept free of any obstruction, and made available solely for the parking and turning of motor vehicles at all times.

12. 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.

13. No part of the development shall commence until a scheme for the comprehensive and integrated drainage of the site indicating how foul water, surface water and land drainage will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be implemented in accordance with a timescale to be agreed as part of the submitted details and maintained thereafter.

Date Approved: 21/12/2020 **Reference Number:** P/2020/0259

By: Wrexham County Borough Council

Approved Details: Drawing no. 1409/01 Revision D: Drainage Layout Section 104.

14. All works in relation to the implementation of this permission, including deliveries to and / or leaving the site, shall be undertaken only between the

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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.

15. 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.

Reason(s)

1. To comply with Section 91(3) of the Town and Country Planning Act, 1990.
2. To ensure that the development fully complies with the appropriate policies and standards.
3. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.
4. Due to the orientation of the dwelling in relation to the site boundary and the limited private amenity space associated with the dwelling it is considered necessary to control future householder development on the site.
5. To ensure that adequate visibility is provided at the proposed point of access to the highway.
6. To ensure that adequate visibility is provided at the proposed point of access to the highway.
7. To ensure the formation of a safe and satisfactory access.
8. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.
9. To ensure that adequate visibility is provided at the proposed point of access to the highway.
10. 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.
11. 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.
12. In the interests of highway safety.
13. To ensure that effective drainage facilities are provided for the proposed development, and that no adverse impact occurs to the environment or the existing public sewerage system.
14. To protect the amenities of the occupiers of nearby properties.

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15. To protect the amenities of the occupiers of nearby properties.

Note(s) to applicant

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 ensure that any difference between the plans approved under the Town and Country Planning Acts and under the Building Regulations is resolved prior to commencement of development, by formal submission of amended plans.

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 development lies within an area that has been defined by The Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant). Your attention is drawn to The Coal Authority Policy in relation to new development and mine entries available at:

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<https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to The Coal Authority on 0345 762 6848. Further information is available on The Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority.

The applicant is advised that compliance with condition no. 13 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.

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. For further information and advice regarding construction noise please contact the Council's Housing and Public Protection Department on 01978 315300.

Applicants are advised that compliance with condition no. 15 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

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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;
- 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 Housing and Public Protection Department on 01978 315300 for further advice and information.



**Officer Appointed for this purpose
Head of Environment and Planning**

**Refer to the Statement of Applicant's Rights and General Information enclosed
or refer to the following link:-**

http://www.wrexham.gov.uk/english/planning_portal/publications/info_sheets.htm