

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 P JENKINS BARKIN DEVELOPMENTS LTD	Code No	HOL P/2013/0823
Agent	P L PLANNING MR P LLOYD 6 RHYD DRIVE RHOS ON SEA CONWY LL28 4NE	Date Received	22/10/2013
		Decision Date	11/03/2016

Town and Country Planning Act, 1990

Location of application

LAND AT, WREXHAM ROAD, HOLT, WREXHAM, LL13 9TS

Description of application

OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT INCLUDING FORMATION OF MULTI-USER GAMES AREA.

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

CLF4	Playing fields, children's play areas and open space
EC13	Surface water run-off
EC4	Hedgerows, Trees and Woodland
EC6	Biodiversity Conservation
GDP1	Development objectives
PS1	Settlement limits
PS2	Development and the environment

Revision	Date	Description of Decision
0	11/03/2016	Planning permission issued
1	10/08/2020	Details approved in respect of conditions 04, 05, 07 and 11

Particulars of decision that Outline Planning Permission be GRANTED Subject to the following:-

Condition(s)

1. Approval of the following details shall be obtained from the Local Planning Authority before any part of the development is commenced:
 - a. the layout of the building(s)
 - b. the scale of the building(s)

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c. the appearance of the building(s)

d. the landscaping of the site

2. Plans and particulars of the reserved matters referred to in condition 1 (above) shall be submitted in writing to the Local Planning Authority before the expiry of three years from the date of this permission. The development shall only be carried out in strict conformity with such details as are approved.

3. The development hereby approved shall be commenced before the expiry of five years from the date of this permission or before the expiry of two years from the date of approval of the last of the reserved matters required to be approved, whichever is the later.

4. 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.

Date Approved: 10/08/2020 **Reference Number:** P/2020/0186

By: Wrexham County Borough Council

Approved Details: WRHLT-MS-01 Revision D dated 24/03/20

5. 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: 10/08/2020 **Reference Number:** P/2020/0187

By: Wrexham County Borough Council

Approved Details: Drawings nos. 40-01 Revision P5, 40-02 Revision P3, 40-03 PDS Revision P4, Revision P5, 40-04-01 PDS Revision P5, 40-04-02 PDS Revision P2, 40-05 Revision P3, 40-06 Revision P1, 40-07 Revision P3, 40-10 Revision P2, 40-11 Revision P2, 40-17 Revision P2, 40-18 Revision P4 and 40-20 Revision P2

6. No land drainage run-off or surface water shall be permitted to discharge or connect to the public sewerage system, either directly or indirectly, and foul and surface water shall be drained separately from the site.

7. The development hereby permitted shall not be commenced until such time as a detailed scheme for the provision and implementation of a surface

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water regulation system has been submitted to and approved, in writing, by the Local Planning Authority. Prior to submission of those details, an assessment shall be carried out into the potential for disposing of surface water by means of Sustainable drainage Systems (SUDS) and the results of the assessment provided to the Local Planning Authority.

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8. 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.

9. 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.

10. Prior to first use of the development hereby approved the vehicular access shall provide visibility splays of 2.4 metres x 56 metres to the south west and 2.4 metres x 33 metres to the north east 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 adjoining highway. The splays shall thereafter be permanently retained clear of any such obstruction to visibility.

11. 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, drainage and construction of the proposed internal estate roads, footways including footway/cycleway links.
- 2) Scheme of street lighting for the internal estate roads and footway/cycleway link.

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3) Derailed layout, design, drainage and construction of a new 2.0m wide footway along the site frontage along Wrexham Road.
The scheme as is approved shall be fully implemented prior to first use of the development.

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Approved Details: 40-01 Revision P5, 40-02 Revision P3, 40-03 PDS Revision P4, 40-04-01 PDS Revision P5, 40-04-02 PDS Revision P2, 40-07 Revision P3, 40-08 Revision P3, 40-12 Revision P2, 40-13 Revision P2, 40-14 Revision P2, 40-15-01 Revision P1 Sheets 1-2, 40-16-01 Revision P3 Sheets 1-4, 40-20 Revision P2 21019-D-01, 21085-A-01, 21085-A-02, 21085-D01, D2859-D001 Revision A, D3859-D002 Revision A 2859-D003 Revision A, 2859-D004 Revision A

12. No part of the development shall commence until full details of the proposed MUGA have been submitted to and approved, in writing, by the Local Planning Authority. Works shall be carried out strictly in accordance with the details as are approved and provided in accordance with a timescale as agreed as part of the submitted details.

13. Prior to the commencement of development, provision shall be made to offset the shortfall in education facilities, in accordance with a scheme to be agreed with the Local Planning Authority.

14. The existing hedges shown on the Masterplan (Rev A) to be permanently retained shall not be cut down, grubbed out, lopped or uprooted. Any hedging removed or being severely damaged or becoming diseased shall be replaced with hedging plants of the equivalent size and species.

15. No equipment, machinery, plant or materials of any kind in connection with the development shall be brought onto the site until hedging protection fencing and ground protection measures have been implemented in strict accordance with details which have been submitted to and approved, in writing, by the Local Planning Authority. The details shall include specification and location for the fencing. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within these areas shall not be altered, nor shall any excavations be made.

16. The existing vehicular access to the site off Wrexham Road shall be permanently closed up prior to the first use of the new vehicular access hereby approved, in accordance with details that have previously been agreed, in writing, with the Local Planning Authority.

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17. 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.

18. The landscaping scheme submitted and approved in connection with condition no. 17 shall be fully implemented in all respects within the agreed timescale and in strict accordance with the approved scheme.

19. The planting scheme implemented in connection with condition nos 17 and 18 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.

20. The Reserved Matters application shall provide details of all internal and external boundary treatment. Works shall be carried out strictly in accordance with the details as approved and retained thereafter unless otherwise agreed, in writing, with the Local Planning Authority.

21. This permission allows for a maximum of 24 dwellings to be built on the site.

Reason(s)

1. To comply with the provisions of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012
2. To comply with Section 92 of the Town and Country Planning Act, 1990.
3. To comply with Section 92 of the Town and Country Planning Act, 1990.
4. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.
5. 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.
6. To protect the integrity of the public sewerage system and prevent hydraulic overloading of the public sewerage system. To protect the health and safety of existing residents and to ensure no detriment to the environment.

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7. To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site.
8. To protect the amenities of the occupiers of nearby properties.
9. To protect the amenities of the occupiers of nearby properties.
10. To ensure that adequate visibility is provided at the proposed point of access to the highway.
11. In the interests of highway safety.
12. To ensure the works are to a scale and design that are suitable for community recreation.
13. To meet the educational needs arising from the proposed development.
14. To ensure the amenity afforded by the trees is continued into the future.
15. To ensure that the amenity of the hedges and biodiversity value is continued into the future.
16. In the interests of highway safety.
17. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.
18. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.
19. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.
20. In the interests of the amenity of existing and future residents and the general visual amenities of the area.
21. In the interests of the standard of amenity afforded to the occupiers of nearby properties and the appearance of the area.

Note(s) to applicant

The applicant is advised that compliance with condition no. 08 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

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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.

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.

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.

The development site is in close proximity to the A534 and the developer is therefore required to carry out a noise survey in connection with condition no. 09 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
- 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.

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The internal access road including footways 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 S38/278 of the Highways Act 1980.

You are advised that the Highway Authority will require such works to be completed to their satisfaction before they will formally adopt the relevant Highway works for public use and to be maintained at public expense. This will include the provision of a bond to cover the estimated value of such works. The appropriate fees will become due to the Council when the Highways Authority approve the proposed works to the carriageway. You should contact the Clwyd Powys Archaeological Trust for advice regarding the requirement for a watching brief on site by a suitably qualified Archaeologist during construction works. CPAT can be contacted on 01938 553670.

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 layout is shown for illustrative purposes.

With regard to condition 9 measures are required to protect the amenity of future occupiers of the proposed development due to the proximity of the A534.



**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