

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 MICHAEL FORGRAVE GOWER HOMES LTD	Code Number	MIN P/2019/0355
Agent	J10 PLANNING LTD MR JUSTIN PAUL 1-3 UPPER EASTGATE ROW EASTGATE ROW NORTH CHESTER CH1 1LQ	Date Received	08/05/2019
		Decision Date	01/07/2019

Town and Country Planning Act, 1990

Location of application

LAND WEST OF, EVERSLEY COURT, MINERA, WREXHAM, LL11 3YZ

Description of application

RESIDENTIAL DEVELOPMENT FOR 9 NO. DETACHED DWELLINGS WITH ASSOCIATED MEANS OF ACCESS AND LANDSCAPING

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

EC13	Surface water run-off
EC4	Hedgerows, Trees and Woodland
EC6	Biodiversity Conservation
GDP1	Development objectives
GDP2	Capacity of infrastructure and community facilities
H2	Residential development within settlements
PS1	Settlement limits
PS2	Development and the environment
PS3	Brownfield Land
PS4	Settlement Pattern
T8	Parking
T9	Walking, cycling and horse riding routes

Revision	Date	Description of Decision
0	01/07/2019	PLANNING PERMISSION ISSUED
1	27/01/2020	P/2019/0897 - APPLICATION FOR APPROVAL OF DETAILS RESERVED BY CONDITIONS IMPOSED UNDER PLANNING PERMISSION P/2019/0355:- CONDITION 6 - SUBMISSION OF CONSTRUCTION TRAFFIC MANAGEMENT PLAN INCLUDING

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		PROVISIONS FOR CONTRACTOR PARKING CONDITION 9 - SUBMISSION OF SCHEME DRAINAGE OF THE SITE CONDITION 12 - SUBMISSION OF SCHEME DETAILING THE CONSTRUCTION OF A NEW FOOTWAY / CARRIAGEWAY CONDITION 13 - SUBMISSION OF A DETAILED ARBORICULTURAL METHOD STATEMENT CONDITION 14 - SUBMISSION OF FULL DETAILS OF HARD SURFACE AREAS WITHIN RETAINED TREE ROOT PROTECTION AREAS CONDITION 15 - SUBMISSION OF FULL DETAILS OF ARBORICULTURAL SUPERVISION CONDITION 20 - SUBMISSION OF RESULTS OF SITE INSPECTION FOR SIGNS OF OCCUPATION OF BADGERS CONDITION 25 - SUBMISSION OF AN APPROPRIATE DUST MANAGEMENT SCHEME CONDITION 26 - SUBMISSION OF A PHASED SITE INVESTIGATION OF THE NATURE AND EXTENT OF CONTAMINATION
2	25/02/2020	P/2020/0117 - APPLICATION FOR APPROVAL OF DETAILS RESERVED BY CONDITION IMPOSED UNDER PLANNING PERMISSION P/2019/0355 CONDITION 3 - SUBMISSION OF SAMPLES OF ALL EXTERNAL FACING AND ROOFING MATERIALS
3	11/02/2021	DISCHARGE OF CONDITION 27 (CONTAMINATION VERIFICATION) OF PLANNING PERMISSION P/2019/0355

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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 -
 - 16.5719/1 Rev B
 - 16.5719/2
 - 16.5719/3
 - 16.5719/4
 - 16.5719/5 1 of 2
 - 16.5719/5 2 of 2
 - 16.5719/6
 - 16.5719/7 Rev A
 - 16.5719/9
 - 16.5719/S1
 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.

Approval: 25.02.2020 **Reference Number:** P/2020/0117

By: Wrexham County Borough Council

Approved Materials:

Brick	Forterra Village Harvest Multi (Buff); Smooth Red contrast.
Roof	Smooth Grey Tiles
Windows	White coloured UPVc
Fascia and Barge	White coloured UPVc
Rainwater Goods	Black Half Round UPVc
Driveways	Black Tarmac

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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 under Classes A, B, C, D, E, F or G of Schedule 2 Part 1, other than the development hereby granted permission.

5. The vehicular parking and turning areas as shown on approved drawing(s) No(s). 16.5719/1 Rev B 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.

6. 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.

Approval: 27.01.2019 **Reference Number:** P/2019/0897

By: Wrexham County Borough Council

Approved Plan Dated: 17/01/20

7. No private surface water run off shall be permitted to flow from the development site onto the adjoining highway. An Aco drain or similar shall be provided across the approved access to intercept any such run off prior to first use of the development.

8. 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.

9. 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;

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- 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.

Approved: 03.04.2020 **Reference Number:** P/2019/0897

By: Wrexham County Borough Council

Approved Drainage Plan Ref: 6896 / 12 Rev H - Surface Water SUDS Details

10. No part of the development shall be occupied until the sustainable drainage scheme for the site has been completed in accordance with condition no. 9. The sustainable drainage scheme shall be managed and maintained thereafter in strict accordance with the agreed management and maintenance plan.

11. Any garage erected under this permission shall be used only for a purpose incidental to the use of the dwelling as a single dwelling house provided that such use shall not preclude the garaging of a private motor car.

12. 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 a new footway / carriageway within and adjacent to the development site, and fronting 44 Mwyn Ffordd together with new boundary wall.

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

Approval: 27.01.2019 **Reference Number:** P/2019/0897

By: Wrexham County Borough Council

Approved Plan Ref: Rev A 21 Jan 2020

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:

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.

Approval: 27.01.2019 **Reference Number:** P/2019/0897

By: Wrexham County Borough Council

14. No part of the development shall commence until full details for any hard surfaced areas 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 details shall include existing and proposed levels, a specification for hard surfaces, and a method statement detailing the construction process. The works shall be carried out in strict accordance with the details as are approved.

Approval: 27.01.2019 **Reference Number:** P/2019/0897

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15. 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.

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16. The landscaping scheme approved as part of this application shall be fully implemented in strict accordance with approved drawing no. 00/101/01 v 1.0 within three months of the first use of the development with the exception of soft landscaping which shall be carried out in the first planting season (November to March) or seeding season (April to September) following the first use.

17. Within six months of the first use of the development, trees and shrubs shall be planted on the site in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority.

18. The planting scheme implemented in connection with condition nos. 16 and 17 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.

19. Prior to first use of the development, an external lighting scheme compliant with the provisions of the Institution of Lighting Professionals and Bat Conservation Trust: Guidance Note 08/18: Bats and Artificial Lighting in the UK 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.

20. 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.

Approval: 27.01.2019 **Reference Number:** P/2019/0897

By: Wrexham County Borough Council

Approved Survey: Kingdom Ecology Dated 2 December 2019

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21. Prior to first occupation of the site a scheme for the installation of integrated bat and bird boxes into the new dwellings shall be submitted to and approved in writing by the Local Planning Authority. The scheme as is approved shall be fully implemented in strict accordance with the details as are approved and thereafter permanently retained.

22. The existing trees, shrubs and hedges shown on drawing(s) No(s). 18/AIA/WXM/239 02 Rev A 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.

23. 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.

24. 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.

25. 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.

Approval: 27.01.2019 **Reference Number:** P/2019/0897

By: Wrexham County Borough Council

Approved Plan: Dated 2 December 2019

26. No development shall take place until a phased site investigation of the nature and extent of contamination has been carried out and submitted to and approved in writing by the Local Planning Authority. If any contamination is found during the site investigation, no part of the development shall commence until a scheme specifying the measures that will be taken to remediate the site to render it suitable for the development hereby permitted has been submitted to and approved in writing by the Local Planning Authority. The site shall thereafter be remediated in accordance with the approved scheme. If during the course of development any contamination is found that has not been identified in the site investigation, no further

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development shall take place on those parts of the site where that contamination has been found until an additional scheme of remediation has been submitted to and approved in writing by the Local Planning Authority for those parts of the site. The relevant parts of the site shall thereafter be remediated in accordance with the additional scheme of remediation.

Approval: 27.01.2019 **Reference Number:** P/2019/0897

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27. Each part of the site subject to the remediation under the scheme(s) approved as part of condition 26 shall not be occupied/used until a Validation Report has been completed in respect of that part of the site and submitted to and approved in writing by the Local Planning Authority.

Approval: 11.02.2021 **Reference Number:** P/2020/0733

By: Wrexham County Borough Council

28. The development shall be carried out in strict accordance with the methodology, findings and recommendations contained within the Ecological Survey Report carried out by Kingdom Ecology and dated 3 January 2019 approved as part of this application.

30. 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.

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. 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.

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5. 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
6. In the interests of highway safety and in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
7. In the interests of highway safety and in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
8. 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 in accordance with Policies GDP1 and EC13 of the Wrexham Unitary Development Plan.
9. To ensure satisfactory drainage of the site and to avoid flooding in accordance with Policies GDP1 and EC13 of the Wrexham Unitary Development Plan.
10. To ensure satisfactory drainage of the site and to avoid flooding in accordance with Policies GDP1 and EC13 of the Wrexham Unitary Development Plan.
11. To ensure that the garage is not used in a manner prejudicial to or likely to cause nuisance or disturbance to the occupiers of nearby properties and to ensure that facilities for the garaging of a car remain available at this address at all times in accordance with Policies GDP1 and T8 of the Wrexham Unitary Development Plan.
12. In the interests of highway safety and 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 that hard surfacing does not cause harm to retained trees in the interests of visual amenity in accordance with Policies GDP1, PS2 and EC4 of the Wrexham Unitary Development Plan.
15. 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.
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.

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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 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.

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.

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.

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.

21. 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.

22. 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.

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

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

26. In the interests of the amenities of the future occupants of the buildings in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.

27. In the interests of the amenities of the future occupants of the buildings in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.

28. 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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30. 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.

Note(s) to applicant

Further advice on compliance with condition nos. 26 and 27 may be obtained by contacting the Council's Environmental Protection Team on 01978 315733. Should the investigation identify contamination issues that may affect receptors other than the site users e.g. groundwater, then it is recommended that these works are also addressed in consultation with the Housing and Public Protection Department prior to commencement of works on site.

The applicant is advised that compliance with condition no. 24 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.

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.

Applicants are advised that compliance with condition no. 25 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

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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.

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.

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.

The scheme of arboricultural supervision required in connection with condition no. 15 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 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.

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The applicant is advised that formal submission of the relevant section 38 adoption agreement, between the applicant and the Highway Authority, to the Local Planning Authority will allow the above condition no(s). 12 to be formally discharged in writing.



**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